

**MINUTES OF THE CITY-COUNTY COUNCIL
AND
SPECIAL SERVICE DISTRICT COUNCILS
OF
INDIANAPOLIS, MARION COUNTY, INDIANA**

**REGULAR MEETINGS
MONDAY, JANUARY 9, 2006**

The City-County Council of Indianapolis, Marion County, Indiana and the Indianapolis Police Special Service District Council, Indianapolis Fire Special Service District Council and Indianapolis Solid Waste Collection Special Service District Council convened in regular concurrent sessions in the Council Chamber of the City-County Building at 7:06 p.m. on Monday, January 9, 2006, with President Talley presiding.

Councillor Talley led the opening prayer and invited all present to join him in the Pledge of Allegiance to the Flag.

ROLL CALL

President Talley instructed the Clerk to take the roll call and requested members to register their presence on the voting machine. The roll call was as follows:

28 PRESENT: Abdullah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Schneider, Speedy, Talley
1 ABSENT: Langsford

A quorum of twenty-eight members being present, the President called the meeting to order.

INTRODUCTION OF GUESTS AND VISITORS

Councillor Bradford recognized radio and tv personality Amos Brown. Councillor Gibson recognized State Representative Bill Crawford and Senator Glenn Howard. Councillor Nytes recognized representatives from the American Institute of Architects and thanked them for providing dinner and a briefing of their work this evening for Councillors. Councillor Oliver recognized Marion County Coroner, Dr. Kenneth Ackles. Councillor Conley recognized friend from Augusta, Georgia Richard Marshall. Councillor Pfisterer recognized report Abdul Shabazz. Councillor Borst recognized former Councillor Elwood Black. Councillor Gray recognized Fire Chief James Greeson and Lieutenant Wayne Smith. Councillor Conley recognized Steve Quick, AFSCME union president.

OFFICIAL COMMUNICATIONS

The President called for the reading of Official Communications. The Clerk read the following:

TO ALL MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA

Ladies And Gentlemen :

You are hereby notified the REGULAR MEETINGS of the City-County Council and Police, Fire and Solid Waste Collection Special Service District Councils will be held in the City-County Building, in the Council Chambers, on Monday, January 9, 2006, at 7:00 p.m., the purpose of such MEETINGS being to conduct any and all business that may properly come before regular meetings of the Councils.

Respectfully,
s/Steve Talley
President, City-County Council

December 19, 2005

TO PRESIDENT TALLEY AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

Pursuant to the laws of the State of Indiana, I caused to be published in the *Court and Commerical Record* on Wednesday, December 21, 2005 and in the *Indianapolis Star* on Tuesday, December 20, 2005, a copy of a Notice of Public Hearing on Proposal No. 623, 2005, said hearing to be held on Tuesday, January 3, 2006, at 5:00 p.m. in the City-County Building.

Respectfully,
s/Jean Ann Milharcic
Clerk of the City-County Council

December 20, 2005

TO PRESIDENT TALLEY AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

I have approved with my signature and delivered this day to the Clerk of the City-County Council, Jean Ann Milharcic, the following ordinance:

FISCAL ORDINANCE NO. 171, 2005 - approves temporary tax anticipation borrowing for Police General, Fire General and Park General Funds in anticipation of current taxes levied in 2005, collectible in 2006

FISCAL ORDINANCE NO. 164, 2005 - approves temporary tax anticipation borrowing in the County General Fund and the County Family and Children's Fund in anticipation of taxes levied in 2005, collectible in 2006

FISCAL ORDINANCE NO. 165, 2005 - transfers and appropriates \$14,324 in the 2005 Budget of the Department of Parks and Recreation (Non-Lapsing Federal Grants Fund) to pay for staff and related expenses for the K-Plus extended day programming at IPS Christian Park School #82, financed by transfers within characters and a federal grant

FISCAL ORDINANCE NO. 167, 2005 - approves an increase of \$4,097,357 in the 2005 Budget of the Department of Public Safety, Emergency Management and Police Divisions (Non-Lapsing Federal Grants Funds) to implement the 2nd year of a Homeland Security First Responder grant, funded by a grant from the US Department of Homeland Security, State Domestic Preparedness Equipment Program

FISCAL ORDINANCE NO. 169, 2005 - approves an increase of \$75,468 in the 2005 Budget of the Marion County Justice Agency (State and Federal Grants Fund) to employ a staff research analyst and to fund a consulting contract to provide for data collection between all criminal justice agencies serving Marion County, financed by a federal grant allocated by the Indiana Criminal Justice Institute

FISCAL ORDINANCE NO. 172, 2005 - transfers and appropriates \$225,000 in the 2005 Budget of Marion County Community Corrections (Pre-Trial Conditional Release Fund) to pay operating costs and \$11,000 in the 2005 Budget of the Marion County Treasurer (County General Fund) to pay for personal services, and reduces the budgets of various agencies by \$3,926,955 to fund these transfers and increase the County General Fund balance

January 9, 2006

FISCAL ORDINANCE NO. 173, 2005 - approves an appropriation totaling \$41,000 in the 2005 Budget of the Marion County Cooperative Extension Service (County General Fund) to pay for educational services provided by Purdue University, financed by a transfer between characters

FISCAL ORDINANCE NO. 174, 2005 - transfers \$14,327 in the 2005 Budget of the Department of Parks and Recreation (Federal Grants Fund) between characters to reimburse the Park General Fund for staff expenses incurred in support of the Summer Lunch program, provided for in a federal grant from the U.S. Department of Agriculture

FISCAL ORDINANCE NO. 176, 2005 - approves a transfer of \$44,363 in the 2005 Budget of the Department of Public Safety, Police Division (Non-Lapsing Federal Grants Fund), between characters to purchase tactical vests and technology for the Justice Assistance grant, and for investigations equipment for Project Care

FIRE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 2, 2005 – transfers and appropriates \$600,000 and makes certain reductions in the 2005 Budget of the Department of Public Safety, Fire Division (Fire General and Fire Pension Funds), to pay for additional unanticipated costs of fuel for vehicles, to cover overtime costs, and to reduce other appropriations to provide sufficient funds for the 2006 budget

POLICE SPECIAL SERVICE DISTRICT FISCAL ORDINANCE NO. 2, 2005 – approves a transfer of \$800,000 and makes certain reductions in the 2005 Budget of the Department of Public Safety, Police Division (Police General and Police Pension Funds) to pay additional unanticipated costs of fuel for vehicles, and to reduce other appropriations to provide sufficient funds for the 2006 budget

GENERAL ORDINANCE NO. 109, 2005 - increases certain user fees to reflect more accurately the costs incurred by the Consolidated City and County and to make various technical corrections to Chapters 536 and 875 of the Revised Code

GENERAL RESOLUTION NO. 22, 2005 - approves the amendment of the Marion County Sheriff's Department Retirement Plan adopting a deferred retirement option plan

SPECIAL RESOLUTION NO. 83, 2005 - honors John S. Myrland of the Greater Indianapolis Chamber of Commerce

SPECIAL RESOLUTION NO. 85, 2005 - recognizes the Indianapolis Medical Society Foundation's Project Health Week

SPECIAL RESOLUTION NO. 86, 2005 - recognizes West Indy's 7th Annual Steak n' Shake's Breakfast with Santa

SPECIAL RESOLUTION NO. 87, 2005 - recognizes Indianapolis Urban League's 40th Anniversary

SPECIAL RESOLUTION NO. 88, 2005 - recognizes the Brebeuf Jesuit Braves girls' volleyball team on their second state championship win

SPECIAL RESOLUTION NO. 89, 2005 - approves financial institutions for city and county banking relationships

Respectfully,
s/Bart Peterson, Mayor

December 22, 2005

TO PRESIDENT TALLEY AND MEMBERS OF THE CITY-COUNTY COUNCIL AND POLICE, FIRE AND SOLID WASTE COLLECTION SPECIAL SERVICE DISTRICT COUNCILS OF THE CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

Ladies and Gentlemen:

I have approved with my signature and delivered this day to the Clerk of the City-County Council, Jean Ann Milharcic, the following ordinance:

GENERAL ORDINANCE NO. 110, 2005 – establishes a metropolitan law enforcement agency through the consolidation of the Indianapolis Police Department and the county police force of the Marion County Sheriff's Department and establishes transition advisory entities and makes other provisions to ensure that such consolidation proceeds in an orderly fashion

GENERAL ORDINANCE NO. 111, 2005 - amends the Code with respect to the Equal Opportunity Advisory Board and complaint adjudication

Respectfully,
s/Bart Peterson, Mayor

President Talley made the following remarks:

Ladies and Gentlemen:

Rarely does a person get the opportunity to truly make a difference in their community like the opportunity I have enjoyed while serving as President of the Indianapolis City-County Council.

We have addressed key issues facing our city, we have focused much needed attention on our City's youth and how they and we can better serve and protect them in their journey to adulthood. During my tenure, Councillors, as President, with your help and the help of Vice President Sanders, Majority Leader Gray and Minority Leader Borst, we established the City-County Council as an active, leading agent of change for a better Indianapolis.

I am proud of this past year's accomplishments as I look back in review. I am proud that we enacted Indianapolis' first smoking ban in most places of public accommodation, with the help of committee chair Councillor Mansfield. And through law enforcement consolidation (that committee was chaired by Councillor Moriarty Adams) we have firmly set our sights on a better and more financially secure future for all of our citizens.

I am so humbled! I am humbled at the opportunity my fellow Councillors gave me this past year to lead our Council. I am humbled that we as a group stood up and said that prejudice against any group is wrong and we as a community will stand up against any such action. Thank you, Councillors Nytes and Keller.

Councillors, I am humbled by the hard work, dedication and time that you have given day in and day out in service to the citizens of this great city. Regardless of our political affiliation, each and every member of this Council is a selfless leader who gives of their time for very little to help make Indianapolis the best city in our nation.

While I am thankful for this opportunity and I enjoyed very much the work that we accomplished, I have a higher responsibility. My faith requires that I put God first in all that I do and my family second. Now, I need to be with my family as we deal with the challenges in our personal life.

I will give the time required to my service on the City-County Council and to my constituents, but I need to take more time for my family commitments and I will not seek to be re-elected as President of the Indianapolis City-County Council tonight.

I urge all my fellow Councillors to support Majority Leader Monroe Gray as our next Council President. Monroe has served admirably for the past two years as the Council's Majority Leader and has the experience and background to lead this Council through what I know will be another challenging year.

I want to thank all the members of the Indianapolis City-County Council, all the staff of the Council office, Mayor Bart Peterson, and especially my wife Donna, for the support and guidance they have given me this past year. I look forward to working with all the Council in the upcoming year.

ORGANIZATION OF COUNCIL

Selection of Temporary Presiding Officer

President Talley asked for consent to appoint Aaron E. Haith, Parliamentarian, as the temporary chairman of the meeting. Consent was given. The President passed the gavel to Mr. Haith.

Election of Officers

Mr. Haith opened the floor for nominations for President of the Council. Councillor Talley nominated Councillor Gray for President. Councillor Boyd seconded the nomination. Councillor Schneider nominated Councillor Borst for President. Councillor Cockrum seconded the nomination. Councillor Talley moved, seconded by Councillor Oliver, to close nominations. Nominations were closed by a unanimous voice vote. Mr. Haith stated that a “yea” vote will support Councillor Gray for President, and a “nay” vote will support Councillor Borst. Councillor Gray was elected as Council President on the following roll call vote; viz:

15 YEAS: Abdullah, Bowes, Boyd, Brown, Conley, Franklin, Gibson, Gray, Mahern, Mansfield, Moriarty Adams, Nytes, Oliver, Sanders, Talley

13 NAYS: Borst, Bradford, Cain, Cockrum, Day, Keller, McWhirter, Pfisterer, Plowman, Randolph, Salisbury, Schneider, Speedy

0 NOT VOTING:

1 ABSENT: Langsford

Mr. Haith opened the floor for nominations for Vice President of the Council. Councillor Talley nominated Councillor Sanders for Vice President. Councillor Mansfield seconded the nomination. Councillor Bradford nominated Councillor Borst for Vice President. Councillor Schneider seconded the nomination. Councillor Mansfield moved, seconded by Councillor Schneider, to close nominations. Nominations were closed by a unanimous voice vote. Mr. Haith stated that a “yea” vote will support Councillor Sanders for Vice President, and a “nay” vote will support Councillor Borst. Councillor Sanders was elected as Council Vice President on the following roll call vote; viz:

15 YEAS: Abdullah, Bowes, Boyd, Brown, Conley, Franklin, Gibson, Gray, Mahern, Mansfield, Moriarty Adams, Nytes, Oliver, Sanders, Talley

13 NAYS: Borst, Bradford, Cain, Cockrum, Day, Keller, McWhirter, Pfisterer, Plowman, Randolph, Salisbury, Schneider, Speedy

0 NOT VOTING:

1 ABSENT: Langsford

Mr. Haith opened the floor for nominations for Clerk of the Council. Councillor Talley nominated Jean Milharcic for Clerk of the Council. Councillor Sanders seconded the nomination. Councillor Talley moved, seconded by Councillor Sanders, to close nominations. Nominations were closed by a unanimous voice vote, thereby electing Jean Milharcic as Clerk of the Council.

Certification of Caucus Leaders

Mr. Haith stated that he has certifications that Councillor Conley has been selected as leader of the Democratic Caucus, and Councillor Borst has been selected as leader of the Republican Caucus.

Mr. Haith passed the gavel to President Gray.

Reappointment of Senior Staff

Councillor Borst stated that the Reappointment of Senior Staff should first go before the Rules and Public Policy Committee for recommendation to the full Council as the Rules of the Council dictate. Consent was given and the Reappointment of Senior Staff was referred to the Rules and Public Policy Committee.

ADOPTION OF THE AGENDA

The President proposed the adoption of the agenda as distributed. Without objection, the agenda was adopted.

APPROVAL OF THE JOURNAL

The President called for additions or corrections to the Journals of December 12 and 19, 2005. There being no additions or corrections, the minutes were approved as distributed.

PRESENTATION OF PETITIONS, MEMORIALS, SPECIAL RESOLUTIONS, AND COUNCIL RESOLUTIONS

PROPOSAL NO. 7, 2006. The proposal, sponsored by All Councillors, honors Officer Michael Antonelli. Councillors Plowman and Franklin read the proposal and presented representatives with copies of the document and Council pins. Officer Antonelli thanked the Council for the recognition. Director of the Department of Public Safety Robert Turner thanked the police for doing what they do every day to keep this City safe. Councillor Plowman moved, seconded by Councillor Franklin, for adoption. Proposal No. 7, 2006 was adopted by a unanimous voice vote.

Proposal No. 7, 2006 was retitled SPECIAL RESOLUTION NO. 1, 2006, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 1, 2006

A SPECIAL RESOLUTION honoring Indianapolis police officer Michael Antonelli.

WHEREAS, at almost 10:00 p.m. on the night of November 20, 2005, Officer Michael Antonelli had been on duty just 20 minutes when he made his second traffic stop of the night; and

WHEREAS, that routine traffic stop resulted in an abrupt twist of fate, as the East District patrolman pursued the traffic stop suspect on foot, resulting in Officer Antonelli being shot; and

WHEREAS, Officer Antonelli was able to radio his fellow officers and get immediate help; and

WHEREAS, despite his life-threatening injury, Officer Antonelli still loves being a police officer and has plans to return to the department when he is fully recovered; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council proudly recognizes and honors one of the city's finest for his bravery and service to the community that he helps protect.

SECTION 2. The Council extends its best wishes to Officer Antonelli for a complete recovery and continues to keep him, his family, and his fiancée Amanda, in their thoughts and prayers.

SECTION 3. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Councillor Gray passed the gavel to Vice President Sanders.

PROPOSAL NO. 8, 2006. The proposal, sponsored by Councillor Gray, recognizes the American Institute of Architects. Councillor Gray read the proposal and presented copies of the document and Council pins to representatives. Past President Deb Coombs and Current President

January 9, 2006

Tad Lufton thanked the Council for the recognition. Councillor Gray moved, seconded by Councillor Nytes, for adoption. Proposal No. 8, 2006 was adopted by a unanimous voice vote.

Proposal No. 8, 2006 was retitled SPECIAL RESOLUTION NO. 2, 2006, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 2, 2006

A SPECIAL RESOLUTION recognizing the American Institute of Architects.

WHEREAS, the collective voice of the architecture profession, the American Institute of Architects, has been advancing the value of architecture for more than 140 years. The Indianapolis chapter represents 365 architects from 70 firms based in Marion and the six surrounding counties; and

WHEREAS, AIA Indianapolis members work to increase awareness of the architecture profession in the Indianapolis area by sharing their expertise with the community, businesses, and individuals; and

WHEREAS, AIA Indianapolis increases awareness of architecture through three awards programs: the biennial Excellence in Architecture Awards; the annual Monumental Affair Awards (recognizing significant achievements in architecture, interior design, facility management, and construction in Marion County); and the sponsorship of the High School Design Competition; and

WHEREAS, the American Institute of Architects has grown to a robust, focused organization providing guidance, service, and standards to architects around the world. AIA continues to strive for quality, consistency, and safety in the built environment and to serve as the voice of the architecture profession; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council recognizes the American Institute of Architects and commends them in their effort to promote their work to advance the science and art of planning and building.

SECTION 2. The Mayor is invited to join in this resolution by affixing his signature hereto.

SECTION 3. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Vice President Sanders returned the gavel to President Gray.

PROPOSAL NO. 613, 2005. Councillor Mahern reported that the Metropolitan Development Committee heard Proposal No. 613, 2005 on January 4, 2006. The proposal, sponsored by Councillor Abdullah, appoints Curtis R. Robinson to the Citizen's Advisory Committee for Wayne Township Comprehensive Plan. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Mahern moved, seconded by Councillor Brown, for adoption. Proposal No. 613, 2005 was adopted by unanimous voice vote.

Proposal No. 613 2005 was retitled COUNCIL RESOLUTION NO. 1, 2006, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 1, 2006

A COUNCIL RESOLUTION appointing Curtis R. Robinson to the Citizens Advisory Committee for Wayne Township Comprehensive Plan.

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. As a member of the Citizens Advisory Committee for Wayne Township Comprehensive Plan, the Council appoints:

Curtis R. Robinson

SECTION 2. The appointment made by this resolution is for a term ending as specified in Sec. 231-401(e) of the Revised Code of the Consolidated City and County. The person appointed by this resolution shall serve at the pleasure of the Council or until a successor is appointed and qualifies.

PROPOSAL NO. 624, 2005. Councillor Sanders reported that the Administration and Finance Committee heard Proposal No. 624, 2005 on January 3, 2006. The proposal, sponsored by Councillors Talley and Gray, approves the Mayor's appointment of Earl S. Morgan, Sr. as the Director of the Department of Administration and Equal Opportunity. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Sanders moved, seconded by Councillor Brown, for adoption. Proposal No. 624, 2005 was adopted by a unanimous voice vote.

Proposal No. 624, 2005 was retitled COUNCIL RESOLUTION NO. 2, 2006, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 2, 2006

A COUNCIL RESOLUTION approving the Mayor's appointment of Earl S. Morgan Sr. as the Director of the Department of Administration and Equal Opportunity for a term ending December 31, 2006, and until a successor is appointed and confirmed.

WHEREAS, pursuant to IC 36-3-5-2 and Section 201-3 of the "Revised code of the Consolidated City and County," a mayoral appointment of the Director of the Department of Administration and Equal Opportunity is subject to the approval of the City-County Council; and

WHEREAS, the Mayor of the City of Indianapolis has submitted to this Council the name of Earl S. Morgan Sr. to serve as Director of the Department of Administration and Equal Opportunity at his pleasure for a term ending December 31, 2006; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Earl S. Morgan Sr. is approved and confirmed by the City-County Council to serve as the Director of the Department of Administration and Equal Opportunity for a term ending December 31, 2006, and until a successor is appointed and confirmed.

SECTION 2. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 626, 2005. Councillor Sanders reported that the Administration and Finance Committee heard Proposal No. 626, 2005 on January 3, 2006. The proposal, sponsored by Councillors Talley and Gray, approves the Mayor's appointment of Steven L. Campbell as the Deputy Mayor for Public and Neighborhood Affairs. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Sanders moved, seconded by Councillor Oliver, for adoption. Proposal No. 626, 2005 was adopted by a unanimous voice vote.

Proposal No. 626, 2005 was retitled COUNCIL RESOLUTION NO. 3, 2006, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 3, 2006

A COUNCIL RESOLUTION approving the Mayor's appointment of Steven L. Campbell as the Deputy Mayor for Public and Neighborhood Affairs for a term ending December 31, 2006, and until a successor is appointed and confirmed.

January 9, 2006

WHEREAS, pursuant to IC 36-3-5-2 and Section 201-4 of the "Revised code of the Consolidated City and County," a mayoral appointment of Deputy Mayor is subject to the approval of the City-County Council; and

WHEREAS, the Mayor of the City of Indianapolis has submitted to this Council the name of Steven L. Campbell to serve as Deputy Mayor for Public and Neighborhood Affairs at his pleasure for a term ending December 31, 2006; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Steven L. Campbell is approved and confirmed by the City-County Council to serve as Deputy Mayor for Public and Neighborhood Affairs for a term ending December 31, 2006, and until a successor is appointed and confirmed.

SECTION 2. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

President Gray passed the gavel to Vice President Sanders.

PROPOSAL NO. 630, 2005. Councillor Gray reported that the Parks and Recreation Committee heard Proposal No. 630, 2005 on December 15, 2005. The proposal, sponsored by Councillors Talley and Gray, approves the Mayor's appointment of Joseph L. B. Wynns as the Director of the Department of Parks and Recreation. By a 7-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Gray moved, seconded by Councillor Talley, for adoption. Proposal No. 630, 2005 was adopted by a unanimous voice vote.

Proposal No. 630, 2005 was retitled COUNCIL RESOLUTION NO. 4, 2006, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 4, 2006

A COUNCIL RESOLUTION approving the Mayor's appointment of Joseph L. B. Wynns as the Director of the Department of Parks and Recreation for a term ending December 31, 2006, and until a successor is appointed and confirmed.

WHEREAS, pursuant to IC 36-3-5-2 and Section 201-3 of the "Revised code of the Consolidated City and County," a mayoral appointment of the Director of the Department of Parks and Recreation is subject to the approval of the City-County Council; and

WHEREAS, the Mayor of the City of Indianapolis has submitted to this Council the name of Joseph L. B. Wynns to serve as Director of the Department of Parks and Recreation at his pleasure for a term ending December 31, 2006; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Joseph L. B. Wynns is approved and confirmed by the City-County Council to serve as the Director of the Department of Parks and Recreation for a term ending December 31, 2006, and until a successor is appointed and confirmed.

SECTION 2. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Vice President Sanders returned the gavel to President Gray.

PROPOSAL NO. 631, 2005. Councillor Moriarty Adams reported that the Public Safety and Criminal Justice Committee heard Proposal No. 631, 2005 on December 21, 2005. The proposal, sponsored by Councillors Talley and Gray, approves the Mayor's appointment of Robert B. Turner as the Director of the Department of Public Safety. By a 6-0 vote, the Committee reported

the proposal to the Council with the recommendation that it do pass. Councillor Moriarty Adams moved, seconded by Councillor Talley, for adoption. Proposal No. 631, 2005 was adopted by a unanimous voice vote.

Proposal No. 631, 2005 was retitled COUNCIL RESOLUTION NO. 5, 2006, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 5, 2006

A COUNCIL RESOLUTION approving the Mayor's appointment of Robert B. Turner as the Director of the Department of Public Safety for a term ending December 31, 2006, and until a successor is appointed and confirmed.

WHEREAS, pursuant to IC 36-3-5-2 and Section 201-3 of the "Revised code of the Consolidated City and County," a mayoral appointment of the Director of the Department of Public Safety is subject to the approval of the City-County Council; and

WHEREAS, the Mayor of the City of Indianapolis has submitted to this Council the name of Robert B. Turner to serve as Director of the Department of Public Safety at his pleasure for a term ending December 31, 2006; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Robert B. Turner is approved and confirmed by the City-County Council to serve as the Director of the Department of Public Safety for a term ending December 31, 2006, and until a successor is appointed and confirmed.

SECTION 2. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 636, 2005. Councillor Conley reported that the Public Works Committee heard Proposal No. 636, 2005 on January 5, 2006. The proposal, sponsored by Councillors Talley and Gray, approves the Mayor's appointment of James A. Garrard as the Director of the Department of Public Works. By a 5-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Conley moved, seconded by Councillor Talley, for adoption. Proposal No. 636, 2005 was adopted by a unanimous voice vote.

Proposal No. 636, 2005 was retitled COUNCIL RESOLUTION NO. 6, 2006, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 6, 2006

A COUNCIL RESOLUTION approving the Mayor's appointment of James A. Garrard as the Director of the Department of Public Works for a term ending December 31, 2006, and until a successor is appointed and confirmed.

WHEREAS, pursuant to IC 36-3-5-2 and Section 201-3 of the "Revised code of the Consolidated City and County," a mayoral appointment of the Director of the Department of Public Works is subject to the approval of the City-County Council; and

WHEREAS, the Mayor of the City of Indianapolis has submitted to this Council the name of James A. Garrard to serve as Director of the Department of Public Works at his pleasure for a term ending December 31, 2006; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. James A. Garrard is approved and confirmed by the City-County Council to serve as the Director of the Department of Public Works for a term ending December 31, 2006, and until a successor is appointed and confirmed.

SECTION 2. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 667, 2005. Councillor Boyd reported that the Rules and Public Policy Committee heard Proposal No. 667, 2005 on December 13, 2005. The proposal, sponsored by Councillor Talley, establishes an investigating committee of the council for the purpose of investigating the policies and expenditures of the Marion County Office of Family and Children from funds supported by a county tax levy. By a 6-2 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Boyd moved, seconded by Councillor Talley, for adoption.

Councillor Bradford encouraged Councillors to vote against Proposal No. 667, 2005. He said that he chaired the Community Affairs Committee several years ago when the Office of Family and Children (OFC) was investigated pretty thoroughly through an audit. The state government was very happy to work with him as chair of the committee to work out some problems and would do so again, he is sure. He said that before wasting time and money on a new investigative committee, they should go back and review the results of those hearings and audits.

Councillor Gibson said that he supports the ordinance. He said that there has always been a problem with this agency and they should investigate how funds are allocated.

Councillor Bowes said that he would welcome the opportunity to work with the state government, but they have not contacted him to do so, as the current chair of the committee. He said that they need to look at this issue more closely.

Councillor Bradford said that he can get Councillor Bowes all the information from an audit performed by the Controller already. He said that they already looked into all of the issues the investigative committee would consider and it was very thorough.

Councillor Pfisterer said that since the agency is legislated by the state and there is legislature pending there regarding the agency, maybe the Council should wait until that is resolved. She moved, seconded by Councillor Salisbury to postpone Proposal No. 667, 2005 until there is action by the state. The motion failed on the following roll call vote; viz:

13 YEAS: Borst, Bradford, Cain, Cockrum, Day, Keller, McWhirter, Pfisterer, Plowman, Randolph, Salisbury, Schneider, Speedy

15 NAYS: Abduallah, Bowes, Boyd, Brown, Conley, Franklin, Gibson, Gray, Mahern, Mansfield, Moriarty Adams, Nytes, Oliver, Sanders, Talley

1 ABSENT: Langsford

Councillor Borst asked why an investigative committee is needed rather than a special or standing committee. He said that there have only been three investigative committees formed in all his time on the Council because of the subpoena powers of such a committee, and he asked why such powers are needed in this case. Councillor Talley said that he does not anticipate that subpoena powers will be needed, but if they are necessary, they will be available to the committee. Councillor Borst asked who would be subpoenaed. Councillor Talley said that there is no way to determine that at this moment. Councillor Borst asked who will be looked at in this investigation. Councillor Talley said that these questions will not be answered until the committee is organized.

Councillor Oliver moved the previous question for adoption. Councillor Talley seconded the motion, and the question was moved by a voice vote. Proposal No. 667 2005 was adopted on the following roll call vote; viz:

Proposal No. 667, 2005 was retitled COUNCIL RESOLUTION NO. 7, 2006, and reads as follows:

CITY-COUNTY COUNCIL RESOLUTION NO. 7, 2006

A PROPOSAL FOR A COUNCIL RESOLUTION establishing an investigating committee of the council for the purpose of investigating the policies and expenditures of the Marion County Office of Family and Children from funds supported by a county tax levy.

WHEREAS, the Marion County Office of Family and Children is responsible for the delivery of child services as defined by IC 12-13-8, IC 12-19-5, IC 12-19-7 and IC 12-19-7.5; and

WHEREAS, the child services provided for children in Marion County is determined by the Department of Child Services, a State agency, and the Marion County Office of Family and Children without input, oversight or direction from the city-county council; and

WHEREAS, the city-county council must levy taxes to provide for the family and children's fund and to raise additional monies for the family and children's fund at any time the county director determines that the fund is exhausted or will be exhausted in a given fiscal year; and

WHEREAS, the Marion County Office of Family and Children consistently has failed to provide the services for children within the budget established by the city-county council which is not to exceed the tax levy limitation set forth in IC 6-1.1-18; and

WHEREAS, the council is charged, in such circumstances, to investigate the policies and expenditures of a department of the consolidated city; and

WHEREAS, the council has levied taxes for and appropriated sums from the said funds, as required by state law to be expended by the Marion County Office of Family and Children for statutorily prescribed services for children and families in Marion County; now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Indianapolis City-County Council hereby creates a special investigating committee, with the power to subpoena witnesses, for the purpose of investigating the policies and expenditures of the Marion County Office of Family and Children from funds that are funded by tax levies as required by law.

SECTION 2. The Council children's and family services special investigative committee will have as its members five (5) members appointed by the majority leader and three (3) members appointed by the minority leader.

SECTION 3. The said special investigating committee shall meet promptly to organize and to establish its procedure for the exercise of the authority granted to it by this ordinance.

SECTION 4. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

INTRODUCTION OF PROPOSALS

PROPOSAL NO. 1, 2006. Introduced by Councillor Brown. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which appoints Robert Brown to the Metropolitan Law Enforcement Consolidation Transition Advisory Committee"; and the President referred it to the Law Enforcement Consolidation Committee.

PROPOSAL NO. 2, 2006. Introduced by Councillors Moriarty Adams and Borst. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$194,748 in the 2006 Budget of the Marion Superior Court (State and Federal Grants Fund) to provide funding that benefits the Community Work Service program and the Indy Nite Lite program, both of which are provided to the juvenile court by the probation department"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 3, 2006. Introduced by Councillor Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a General Resolution which approves certain public purpose grants totaling \$500,000 from the Drug Free Community Fund"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 4, 2006. Introduced by Councillor Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an appropriation totaling \$271,188 in the 2006 Budget of the Marion County Community Corrections (Conditional Release Fund) to pay personal services expenses and equipment lease costs associated with the pre-trial home detention program, financed by fund balance"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 5, 2006. Introduced by Councillor Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Fiscal Ordinance which approves an increase of \$14,000 in the 2006 Budget of the Department of Public Safety, Animal Care and Control Division (Consolidated County Fund), to install soundproofing banners in the animal shelter and to pay advertising costs associated with the Canine Crime Stoppers tip line program and other anti dog-fighting outreach initiatives, financed by private donations"; and the President referred it to the Public Safety and Criminal Justice Committee.

PROPOSAL NO. 6, 2006. Introduced by Councillors Sanders, Cockrum, Nytes, Talley and Moriarty Adams. The Clerk read the proposal entitled: "A Proposal for a Council Resolution which expresses support for the Consolidated City of Indianapolis and Marion County's authority to enter into franchise agreements with cable operators while acknowledging its enthusiastic support of competition by any means that benefits the cable operators, the Consolidated City and County, and its citizens"; and the President referred it to the Rules and Public Policy Committee.

SPECIAL ORDERS - PRIORITY BUSINESS

PROPOSAL NO. 9, 2006, PROPOSAL NO. 10, 2006, PROPOSAL NOS. 11-12, 2006, PROPOSAL NO. 13, 2006, PROPOSAL NOS. 14-22, 2006, PROPOSAL NO. 23, 2006, PROPOSAL NO. 24, 2006, PROPOSAL NO. 25, 2006, PROPOSAL NO. 26, 2006, and PROPOSAL NOS. 27-30, 2006. Introduced by Councillor Mahern. Proposal No. 9, 2006, Proposal No. 10, 2006, Proposal Nos. 11-12, 2006, Proposal No. 13, 2006, Proposal Nos. 14-22, 2006, Proposal No. 23, 2006, Proposal No. 24, 2006, Proposal No. 25, 2006, Proposal No. 26, 2006, and Proposal Nos. 27-30, 2006 are proposals for Rezoning Ordinances certified by the Metropolitan Development Commission on November 21 and 30, 2006 and December 1, 5, 15, 16, and 22, 2005. The President called for any motions for public hearings on any of those zoning maps changes. There being no motions for public hearings, the proposed ordinances, pursuant to IC 36-7-4-608, took effect as if adopted by the City-County Council, were retitled for identification as REZONING ORDINANCE NOS. 1-22, 2006, the original copies of which ordinances are on file with the Metropolitan Development Commission, which were certified as follows:

REZONING ORDINANCE NO. 1, 2006.

2005-ZON-131

2319-2429 WEST 17TH STREET AND 1615-1625 NORTH BELLEVIEW PLACE (Approximate Addresses), INDIANAPOLIS

WAYNE TOWNSHIP, COUNCILMANIC DISTRICT # 15.

LEEPER ELECTRIC SERVICES, INC., by David F. McNamar, requests a rezoning of 1.784 acres, being in the D-5, C-3, and C-5 Districts, to the C-5 classification to provide for the expansion of an existing automobile dealership.

REZONING ORDINANCE NO. 2, 2006.

2004-ZON-005

1444, 1446 and 1452 MONTCALM STREET (Approximate Address), INDIANAPOLIS

CENTER TOWNSHIP, COUNCILMANIC DISTRICT #15

MOUNT OLIVE MISSIONARY BAPTIST CHURCH requests a rezoning of 0.33 acre, being in the D-5 (W-1) District, to the SU-1 (W-1) classification to legally establish a church parking lot.

REZONING ORDINANCE NO. 3, 2006.

2004-ZON-114

5716 EAST STOP 11 ROAD (Approximate Address), INDIANAPOLIS

FRANKLIN TOWNSHIP, COUNCILMANIC DISTRICT #25

DS DEVELOPMENT, LLC, requests a rezoning of 32.1 acres, being in the I-2-S District, to the D-6 classification to provide for multi-family development.

REZONING ORDINANCE NO. 4, 2006.

2004-ZON-115

5716 EAST STOP 11 ROAD (Approximate Address), INDIANAPOLIS

FRANKLIN TOWNSHIP, COUNCILMANIC DISTRICT # 25

DS DEVELOPMENT, LLC requests a rezoning of 7.9 acres, being in the I-2-S District, to the C-3 classification to provide for neighborhood commercial uses.

REZONING ORDINANCE NO. 5, 2006.

2005-ZON-116 (2005-DP-008)

9411 NORTH ILLINOIS STREET (Approximate Address), INDIANAPOLIS

WASHINGTON TOWNSHIP, COUNCILMANIC DISTRICT # 3.

LANDMARK PROPERTIES, INC., by J. Murray Clark, requests a rezoning of 11.83 acres, being in the D-7 District, to the D-P classification to provide for the construction of a mixed-use development consisting of 97 townhomes on 7.07 acres with a density of 13.7 units per acre and a 4.76 acre area designated for commercial development.

REZONING ORDINANCE NO. 6, 2006.

2005-ZON-125

709 AND 718 FULTON STREET, 618 NORTH DAVIDSON STREET, AND 740 EAST NORTH STREET (Approximate Addresses), INDIANAPOLIS

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 9.

NORTHSIDE LINOLEUM MART, INC. AND PURITAN HOME FUNDING COMPANY, INC., by David Kingen, requests a rezoning of 3.80 acres, being in the I-3-U (RC) District, to the CBD-2 (RC) classification to legally establish commercial uses and to provide for commercial and residential redevelopment.

REZONING ORDINANCE NO. 7, 2006.

2005-ZON-144

4157 SOUTH EAST STREET (Approximate Address), INDIANAPOLIS

PERRY TOWNSHIP, COUNCILMANIC DISTRICT #23.

MAC REALTY, LLC, by Michael J. Kias, requests a rezoning of 0.55 acre, being in the D-3 District, to the C-4 classification to provide for community-regional commercial uses.

REZONING ORDINANCE NO. 8, 2006.

2005-ZON-148

38 NORTH MILEY AVENUE (Approximate Address), INDIANAPOLIS

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 15.

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REALTY LINK, INC., by David Kingen, requests a rezoning of 1.17 acres, being in the C-1 District, to the C-S classification to provide for C-1 and C-2 uses, residential uses, artist galleries, recording studios and sports training.

REZONING ORDINANCE NO. 9, 2006.

2005-ZON-151

4438 WEST 56TH STREET (Approximate Address), INDIANAPOLIS

PIKE TOWNSHIP, COUNCILMANIC DISTRICT # 1.

MOMIN INC., by Mir A. Zaheer, requests a rezoning of 1.68 acres, being in the C-S District, to the SU-38 classification to provide for the construction of a community center.

REZONING ORDINANCE NO. 10, 2006.

2005-ZON-154

703 EAST 30TH STREET (Approximate Address), INDIANAPOLIS

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 9.

SAINT CHRISTOPHER'S CENTER, INC., by David Kingen, requests a rezoning of 1.63 acres, being in the C-1 District, to the C-S classification to provide for all C-2 and SU-2 uses.

REZONING ORDINANCE NO. 11, 2006.

2005-ZON-166

1521, 1525 and 1529 NORTH ALABAMA STREET (Approximate Addresses), INDIANAPOLIS

CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 9

AXIS ARCHITECTURE & NEIGHBORHOOD DOWNTOWN ZONING ASSISTANCE, INC., by David Kingen, requests a rezoning of .44 acre, being in the C-4 District, to the C-S classification to allow for multi-family uses.

REZONING ORDINANCE NO. 12, 2006.

2005-ZON-168

55 AND 105 SOUTH RACEWAY ROAD (Approximate Addresses), INDIANAPOLIS

WAYNE TOWNSHIP, COUNCILMANIC DISTRICT # 13.

F.C. REALTY EIGHT, LLC, by J. Murray Clark, requests a rezoning of 5.46 acres, being in the C-3 and C-1 Districts to the C-3 classification to provide for neighborhood commercial uses.

REZONING ORDINANCE NO. 13, 2006.

2005-ZON-177

6770 SOUTH EAST STREET (Approximate Address), INDIANAPOLIS

PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 23.

PARADOX CAM, LLC requests a rezoning of 2.5 acres, being in the D-6 District, to the D-6II classification to provide for the expansion of multi-family residential uses.

REZONING ORDINANCE NO. 14, 2006.

2005-ZON-840 (Amended)

603 KNOX STREET (Approximate Address), INDIANAPOLIS

PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 23.

4-L COMPANY OF CARMEL, by Ray Good, requests a rezoning of 0.12 acre,

R.O. No. 14, 2006 being in the D-5 District, to the C-ID classification to provide for off-street parking for an existing business.

REZONING ORDINANCE NO. 15, 2006.

2005-ZON-113

708 EAST MICHIGAN STREET (Approximate Address), INDIANAPOLIS

CENTER TOWNSHIP, COUNCILMANIC DISTRICT #9

INDIANAPOLIS SENIOR CENTER, by Brian Tuohy, requests a rezoning of 1.00 acre, being in the I-3-U District, to the SU-38 classification to provide for office uses.

REZONING ORDINANCE NO. 16, 2006.

2005-ZON-165

1808 NORTH CENTRAL AVENUE (Approximate Address), INDIANAPOLIS

CENTER TOWNSHIP, COUNCILMANIC DISTRICT #9.

CONSTRUCTION SERVICES ASSOCIATES, requests a rezoning of .33 acre, being in the C-3 Districts, to the D-8 classification to allow for construction of a two-family house.

REZONING ORDINANCE NO. 17, 2006.

2005-ZON-176

10517, 10535, 10621 INDIAN LAKE BOULEVARD SOUTH AND 6513 AND 6545 WINONA DRIVE (Approximate Addresses), CITY OF LAWRENCE
LAWRENCE TOWNSHIP, COUNCILMANIC DISTRICT # 12.

M/I HOMES, by Thomas Michael Quinn, requests a rezoning of 52.35 acres, being in the D-A, D-A (FF) and D-S (W-5) Districts, to the D-2, D-2 (FF), and D-2 (W-5) classifications to provide for the construction of single-family dwellings.

REZONING ORDINANCE NO. 18, 2006.

2005-ZON-829

726 NOBLE STREET (Approximate Address), INDIANAPOLIS
CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 19.

MICHAEL P. MCCORMICK, by David Kingen, requests a rezoning of 0.13 acre, being in the I-3-U (RC) District, to the D-8 (RC) classification to legally establish residential uses.

REZONING ORDINANCE NO. 19, 2006.

2005-ZON-095

7002 SOUTH EAST STREET (Approximate Address), INDIANAPOLIS
PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 23.

RANDALL W. FAULKNER AND JULIE A. FAULKNER, by David A. Retherford, request a rezoning of 0.92 acre, being in the D-A District, to the C-1 classification to provide for office uses.

REZONING ORDINANCE NO. 20, 2006.

2005-ZON-113

708 E. MICHIGAN STREET (Approximate Address), INDIANAPOLIS
Prop No. 28, 2006 CENTER TOWNSHIP, COUNCILMANIC DISTRICT #9

R.O. No. 20, 2006 INDIANAPOLIS SENIOR CENTER by Brian J. Tuohy, requests a rezoning of 1.00 acre, being in the I-3-U District, to the SU-38 classification to provide for office uses.

REZONING ORDINANCE NO. 21, 2006.

2005-ZON-153

1049 EAST MICHIGAN STREET AND 432 AND 436 DORMAN STREET (Approximate Addresses), INDIANAPOLIS
CENTER TOWNSHIP, COUNCILMANIC DISTRICT # 16.

MICHIGAN STREET PROPERTIES, by David Kingen, requests the rezoning of 0.55 acre, being in the C-3 (FF) and C-2 (FF) Districts, to the C-3C (FF) classification to provide for mixed-use development.

REZONING ORDINANCE NO. 22, 2006.

2005-ZON-158

1330 WEST SOUTHPORT ROAD AND 6909 MURPHY'S LANDING LANE (Approximate Address), INDIANAPOLIS
PERRY TOWNSHIP, COUNCILMANIC DISTRICT # 22.

UNITED TAVERN, INC., by Gregory T. Genrich, requests a rezoning of 11.31 acres, being in the D-P (W-5) District, to the D-P (W-5) classification to provide for a bar/restaurant with eight amusement machines and C-3 uses.

SPECIAL ORDERS - FINAL ADOPTION

PROPOSAL NO. 604, 2005. Councillor Boyd reported that the Rules and Public Policy Committee heard Proposal No. 604, 2005 on November 15 and December 13, 2005. The proposal, sponsored by Councillors Cockrum and Boyd, amends the Revised Code of the Consolidated City and County and fixes the rate of reimbursement for use of personal motor vehicles for official business. By a 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass.

Councillor Cockrum said that he was concerned about the increased cost of government owned vehicles and the two different rates for City and County. He said that neither rate allowed was

close to what is allowed at the federal rate. He said that rather than set a fixed rate that would need to be adjusted each time the federal rate changed, this ordinance allows a rate at 90% of the federal rate from the previous year. He said that this will go into effect on January 1 of the following year and will be rounded off to the next full cent.

Councillor Boyd moved, seconded by Councillor Cockrum, for adoption. Proposal No. 604, 2005 was adopted on the following roll call vote; viz:

20 YEAS: Abdullah, Borst, Bowes, Boyd, Cain, Cockrum, Day, Gibson, Gray, Keller, Mahern, Mansfield, McWhirter, Moriarty Adams, Pfisterer, Plowman, Randolph, Salisbury, Sanders, Speedy

0 NAYS:

8 NOT VOTING: Bradford, Brown, Conley, Franklin, Nytes, Oliver, Schneider, Talley

1 ABSENT: Langsford

Proposal No. 604, 2006 was retitled GENERAL ORDINANCE NO. 1, 2006, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 1, 2006

A PROPOSAL FOR A GENERAL ORDINANCE amending the Revised Code of the Consolidated City and County and fixing the rate of reimbursement for use of personal motor vehicles for official business.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND MARION COUNTY, INDIANA:

SECTION 1. Chapter 192 of the Revised Code of the Consolidated and County be, and is hereby, amended by adding a new Article IV, to read as follows:

**ARTICLE IV
MILEAGE REIMBURSEMENT**

Sec. 192-401. Whenever by statute or by permission of the elected official or department head, an officer or employee of the City or County is authorized to use that person's private motor vehicle in the performance of official duties, the rate of reimbursement for such use shall be at a rate equal to ninety percent (90%) of the rate of the standard business mileage rate as fixed by the Department of Treasury for the preceding calendar year.

SECTION 2. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 609, 2005. Councillor Conley reported that the Public Works Committee heard Proposal No. 609, 2005 on January 5, 2006. The proposal, sponsored by Councillors Conley, Talley, Sanders, Gray and Gibson, authorizes the Indianapolis Bond Bank to fund or coordinate funding for the Septic Tank Elimination Program (STEP). By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Conley moved, seconded by Councillor Gibson, for adoption.

Councillor McWhirter said that she will be voting against this proposal. She said that there are several things wrong with the proposal. The City has asked many homeowners to put up \$10,000 to meet septic tank requirements, and some even lost their homes due to increased fees, and now the City is asking them to pay additional sewer fees. She said that it does not seem there are safeguards in place if these homeowners do not pay back the loans, and there are still too many unanswered questions about the City's liability. She said it seems the bank will be able to determine who qualifies and who does not, and she is not sure that should be left up to the bank if the City is liable. Barbara Lawrence, executive director of the Bond Bank, stated that this is just the first phase of the program and it is a credit support program where the bank will actually be

making loans. There will be a cooperative effort between the Department of Public Works (DPW) and the bank to make these types of decisions. James Garrard, director of DPW, said that the Public Works Board will have to approve criteria and this is an issue about connecting neighborhoods.

Councillor McWhirter said that they are still pledging City money to pay back these loans if the individual homeowners default. Ms. Lawrence said that after collections and foreclosure processes, the City can then place a lien on the home and be reimbursed through the sale of the home. Councillor McWhirter said that some people who might meet the criteria and qualify for a loan may not care about their credit or paying this money back. She asked if the City will be paying bond fees for this program. Ms. Lawrence said that there will be financing mechanisms in place and this must be approved by this fiscal body, but programmatic issues will be handled by the Board of Public Works. She said that there may be some bond fees, but they will be very limited, if any.

Proposal No. 609, 2005 was adopted on the following roll call vote; viz:

18 YEAS: Abdullah, Borst, Bowes, Boyd, Brown, Cockrum, Conley, Franklin, Gibson, Gray, Mahern, Mansfield, Moriarty Adams, Nytes, Oliver, Sanders, Speedy, Talley
9 NAYS: Bradford, Cain, Day, Keller, McWhirter, Pfisterer, Randolph, Salisbury, Schneider
1 NOT VOTING: Plowman
1 ABSENT: Langsford

Proposal No. 609, 2005 was retitled GENERAL RESOLUTION NO. 1, 2006, and reads as follows:

CITY-COUNTY GENERAL RESOLUTION NO. 1, 2006

A GENERAL RESOLUTION approving the issuance of one or more series of City of Indianapolis, Indiana, Sanitary District Revenue Bonds and, if necessary, one or more series of notes in an aggregate principal amount not to exceed One Million Dollars (\$1,000,000) and approving and authorizing other actions in respect thereto.

WHEREAS, the Board of Public Works (the "Board") of the City of Indianapolis, Indiana (the "City"), being the governing body of the Sanitary District of the City (the "Sanitary District"), has determined that it is necessary to issue one or more series of bonds and/or notes (the "Obligations") of the Sanitary District in the aggregate principal amount of One Million Dollars (\$1,000,000), all for the purpose of procuring funds to apply to the costs of implementing Phase I of the Septic Tank Elimination Program ("STEP"); together with expenses associated therewith and in connection with or on account of the issuance of the Obligations therefor (the "Project"); and

WHEREAS, Indiana Code 36-3-5-8 requires the City-County Council to approve the issuance of bonds or notes by any special taxing district of the City; and

WHEREAS, Indiana Code 5-1.4 provides that a "qualified entity," which term includes the Sanitary District, may issue and sell its bonds or notes to The Indianapolis Local Public Improvement Bond Bank (the "Bond Bank"); now, therefore:

BE IT RESOLVED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1 The City-County Council does hereby approve the issuance of the Obligations of the Sanitary District in one or more series in the aggregate principal amount of One Million Dollars (\$1,000,000). The City-County Council hereby authorizes any Notes issued pursuant to this Resolution and IC 5-1-8-6 to have a maturity date (including any renewals or extensions) that is not later than five years from the date such Notes are issued.

January 9, 2006

SECTION 2. The City-County Council does hereby acknowledge that the Bond Bank Obligations may be supported by a debt service reserve fund established by the Bond Bank that will be subject to the provisions of Indiana Code 5-1.4-5-1 and Special Ordinance 67, 1985 of the City-County Council.

SECTION 43. This resolution shall be in full force and effect upon adoption and compliance with Indiana Code 36-3-4-14, 36-3-4-15 and 36-3-4-16.

PROPOSAL NO. 610, 2005. Councillor Conley reported that the Public Works Committee heard Proposal No. 610, 2005 on January 5, 2006. The proposal, sponsored by Councillor Mahern, authorizes the removal of parking restrictions on Drover Street between Oliver Avenue and Henry Street (District 19). By a 6-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Conley moved, seconded by Councillor Mahern, for adoption. Proposal No. 610, 2005 was adopted on the following roll call vote; viz:

26 YEAS: Abdullah, Borst, Bowes, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Randolph, Salisbury, Sanders, Schneider, Speedy, Talley

0 NAYS:

2 NOT VOTING: Boyd, Plowman

1 ABSENT: Langsford

Proposal No. 610, 2005 was retitled GENERAL ORDINANCE NO. 2, 2006, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 2, 2006

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-342, One-way streets and alleys designated and Sec. 621-121, Parking prohibited at all times on certain streets.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-342, One-way streets and alleys designated, be and the same is hereby amended by the deletion of the following, to wit:

NORTHBOUND

Drover Street, from Oliver Avenue to Henry Street

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-121, Parking prohibited at all times on certain streets, be and the same is hereby amended by the deletion of the following, to wit:

Drover Street, on the west side, from
Oliver Street to a point 535 feet north of Oliver Street

Drover Street, on the west side, from a point
635 feet north of Oliver Street to Henry Street (vacated)

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 623, 2005. Councillor Sanders reported that the Administration and Finance Committee heard Proposal No. 623, 2005 on January 3, 2006. The proposal, sponsored by Councillors Nytes and Brown, authorizes the issuance of and appropriates the proceeds of revenue bonds or bond anticipation notes issued in an amount not to exceed \$20,000,000 for the purpose of providing funds to pay the cost of acquisition, additions, renovations, repairs and improvements to certain buildings and facilities of the City and County. By a 7-0 vote, the

Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Sanders moved, seconded by Councillor Conley, for adoption.

Councillor Schneider said that with the County Option Income Tax (COIT) increase last February, this increase was designated to go toward specific projects. He asked if these are projects included in that list. Councillor Sanders said that the first tenth of the COIT increase was designated for specific use, and some of these items are projects included in that, but there are also other revenue streams also funding some of this. Councillor Schneider asked if they are taking an additional portion of that COIT increase. Councillor Sanders said that they are not, but there are funds earmarked for Court 20, the Juvenile Court and Jail II.

Councillor McWhirter asked if those three projects are fully funded in the bond issuance, and asked where the balance of the COIT money is going. Ms. Lawrence said that instead of using the money in chunks, they are taking it and amortizing it over a period of time. Robert Clifford, City Controller, stated that the repairs to Jail II, the build out of Juvenile Court, and Court 20 and the Community Court are not in the 2006 budget.

Councillor Borst said that he would like to see a spreadsheet accounting for the \$15 million to help with the timeline. Ms. Lawrence said that she would be glad to provide such. Mr. Clifford said that this initial amount will fund all Tier 1 projects and some expenses of the Sheriff, such as fuel and rent, but all goes toward public safety.

Councillor Keller added that some money is also being used to create a work release center that will house 350 beds and help with jail overcrowding issues. Ms. Lawrence said that this is correct.

Councillor Nytes encouraged Councillors to support the ordinance and said that all projects are consistent with the desire to improve public safety and criminal justice.

Proposal No. 623, 2005 was adopted on the following roll call vote; viz:

27 YEAS: Abdullah, Borst, Bowes, Boyd, Bradford, Brown, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Randolph, Salisbury, Sanders, Schneider, Speedy, Talley
0 NAYS:
1 NOT VOTING: Plowman
1 ABSENT: Langsford

Proposal No. 623, 2005 was retitled SPECIAL RESOLUTION NO. 3, 2006, and reads as follows:

CITY-COUNTY SPECIAL RESOLUTION NO. 3, 2006

A SPECIAL RESOLUTION of the City of Indianapolis, Indiana (the "City") authorizing the issuance of and appropriating the proceeds of revenue bonds or bond anticipation notes issued in an amount not to exceed \$20,000,000 for the purpose of providing funds to pay the cost of acquisition, additions, renovations, repairs and improvements to certain buildings and facilities of said City and of Marion County, Indiana (the "County"); providing for the payment of such bonds from legally available funds of the City; providing for the safeguarding of the interests of the owners of said bonds, other matters connected therewith.

WHEREAS, the City and the County now own, lease, utilize or derive benefit from certain buildings and facilities constituting public improvements, which buildings and facilities are in need of additions, renovations, repairs and improvements as hereinafter described; and

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WHEREAS, the City and the County may want or need acquire new, additional buildings and facilities constituting public improvements; and

WHEREAS, the City-County Council of the City of Indianapolis and of Marion County, Indiana (the "Council") now finds that certain additions, renovations, repairs and improvements to said buildings and facilities, and the acquisition of certain additional buildings and facilities, are necessary and serve a public purpose; and that preliminary plans, specifications and estimates have been or will be prepared and filed by the architects and engineers employed by the City or its agent for the construction of said additions, renovations, repairs and improvements or acquisitions, as more fully described on Exhibit A attached hereto ("Projects"), which preliminary plans and specifications have been or will be approved by all governmental authorities having jurisdiction; and

WHEREAS, the City, in conjunction with the Indianapolis-Marion County Building Authority (the "Building Authority") as its agent, has obtained or will obtain architects and engineers' estimates of the costs for the acquisition and construction of said Projects and will advertise and receive bids for the Projects, which bids will be subject to the City's obtaining funds to pay for said Projects; that on the basis of preliminary architectural and engineering estimates, the cost of the Projects, including issuance costs of the Bonds or Bond Anticipation Notes, if needed, capitalized interest on the Bonds during construction and the funding of a debt service reserve account for the Bonds is in the maximum amount of \$20,000,000; and

WHEREAS, the City, in conjunction with the Building Authority, finds that there are not sufficient funds available to apply on the cost of the Projects and that the cost of the Projects is to be financed by the issuance of revenue bonds in an aggregate principal amount not to exceed \$20,000,000, and, if necessary, bond anticipation notes ("BANs"); and

WHEREAS, the revenue bonds to be issued pursuant to this ordinance will be secured by and payable from legally available funds of the City, and are to be issued subject to the provisions of the laws of the State of Indiana, including, without limitation, IC 5-1-14 and IC 36-3-4-21, each as in effect on the date of delivery of the bonds authorized herein (collectively, the "Act"), and the terms and restrictions of this ordinance; and

WHEREAS, the City desires to authorize the issuance of BANs hereunder, if necessary, payable solely from the proceeds of revenue bonds issued hereunder and to authorize the refunding of said BANs, if issued; and

WHEREAS, IC 5-1.4 provides that a qualified entity, which term includes the City, may issue and sell its bonds or BANs, if necessary, in one or more series, to The Indianapolis Local Public Improvement Bond Bank ("Bond Bank");

WHEREAS, the Executive Director of the Bond Bank has expressed a willingness to purchase the Bonds or BANs, if necessary, in a negotiated sale subject to approval by the Board of Directors of the Bond Bank;

WHEREAS, the bonds or BANs, if necessary, to be issued under Section 1 of this ordinance are issued pursuant to the authority granted in the Act;

WHEREAS, the City has obtained or will obtain all necessary approvals required by law for the issuance of the bonds or BANs, if necessary; and

WHEREAS, the Council has determined that it will be in the best interest of the City to sell the bonds, or BANs, if necessary, to the Bond Bank in a negotiated sale; and

WHEREAS, all conditions precedent to the adoption of an ordinance authorizing the issuance of said bonds and BANs have been complied with in accordance with the provisions of the Act; now, therefore:

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

Issuance of Bonds and BANs.

In order to procure funds with which to pay for the cost of the Projects, including the costs of

issuance of the bonds, the Controller is, without further authorization from the Council, authorized to proceed with the issuance of revenue bonds pursuant to and in the manner prescribed by the Act and in this ordinance.

The City shall issue, if necessary, its BANs for the purpose of procuring interim financing to apply on the cost of said Projects. The City shall issue its BANs in an amount not exceed Twenty Million Dollars (\$20,000,000) to be designated "Facilities Bond Anticipation Notes." Said BANs shall be sold at not less than 99% of their par value, shall be numbered consecutively from 1 upward, shall be in multiples of \$5,000, shall be dated as of the date of delivery thereof, and shall bear interest at a rate not to exceed 6.0% per annum (the exact rate or rates to be determined through negotiations with the purchase of the BANs) payable upon maturity. The BANs will mature no later than five (5) years after their date of delivery. The BANs are subject to renewal or extension at an interest rate or rates not to exceed 6.0% per annum (the exact rate or rates to be negotiated with the purchaser of the BANs). The term of the BANs and all renewal BANs may not exceed five years from the date of delivery of the initial BANs. The BANs shall be registered in the name of the purchasers thereof.

BANs, if necessary, shall be issued pursuant to IC 5-1.4-8-5. The City shall pledge to the payment of the principal of and interest on the BANs the proceeds from the issuance of facilities revenue bonds pursuant to and in the manner prescribed by the Act.

The City shall issue its bonds, designated "Facilities Revenue Bonds of 20__," [year of issuance to be designated] in one or more series in a principal amount not to exceed Twenty Million Dollars (\$20,000,000) ("Bonds") for the purpose of procuring funds to apply on the costs of said Projects, issuance costs of the Bonds or BANs, capitalized interest on the Bonds during construction, debt service reserve account for the Bonds and refunding the BANs, if issued.

The Bonds shall be sold at a price not less than 98% of the par value thereof, shall be issued in the denomination of Five Thousand Dollars (\$5,000) each or integral multiples thereof, numbered consecutively from 1 upward, dated as of the first day of the month in which they are sold or delivered, or the date of delivery, as determined by the Controller with the advice of the City's financial advisor, and shall bear interest at a rate or rates not to exceed six percent (6.0%) per annum (the exact rate or rates to be determined by bidding), which interest shall be payable semiannually on January 15 and July 15, commencing on the January 15 or July 15 following the issue date of the Bonds. The Bonds shall mature semiannually or annually, or shall be subject to mandatory sinking fund redemption if term bonds are issued, on January 15 or July 15, each as determined by the Controller with the advice of the City's financial advisor, over a period ending no later than twenty (20) years after their date of delivery and in such amounts which will produce as level annual debt service as practicable with \$5,000 denominations.

Interest on the Bonds and the BANs shall be calculated according to a 360-day calendar year containing twelve 30-day months.

All or a portion of the Bonds may be issued as one or more term bonds, as determined by the Bond Bank. Such term bonds shall have a stated maturity or maturities on January 15 or July 15 in the years as determined by the Bond Bank, but no later than the final serial maturity of the Bonds as established in accordance with the above paragraph. The term bonds shall be subject to mandatory sinking fund redemption and final payment(s) at maturity at 100% of the principal amount thereof, plus accrued interest to the redemption date, on dates which correspond to the principal payment dates hereinafter set in accordance with the above paragraph.

Effective 180 days after their date of delivery, the BANs are prepayable by the City, in whole or in part, at any time upon seven (7) days' notice to the owner of the BANs without any premium.

The Bonds are redeemable at the option of the City on any date no earlier than ten (10) years after their date of delivery, on thirty (30) days' notice, in whole or in part, in the order of maturity as determined by the City and by lot within a maturity, at face value, with a premium not to exceed 2%, plus in each case accrued interest to the date fixed for redemption.

If any Bond is issued as a term bond, the Paying Agent shall credit against the mandatory sinking fund requirement for the Bonds maturing as term bonds, and corresponding mandatory redemption obligation, in the order determined by the City, any Bonds maturing as term bonds which have previously been redeemed (otherwise than as a result of a previous mandatory redemption requirement) or delivered to the Registrar for cancellation or purchased for cancellation by the Paying Agent and not theretofore applied as a credit against any redemption obligation. Each bond maturing as a term bond so delivered or canceled shall be credited by the Paying Agent at 100% of the principal

amount thereof against the mandatory sinking fund obligation on such mandatory sinking fund date, and any excess of such amount shall be credited on future redemption obligations, and the principal amount of the Bonds to be redeemed by operation of the mandatory sinking fund requirement shall be accordingly reduced; provided, however, the Paying Agent shall credit only such Bonds maturing as term bonds to the extent received on or before forty-five (45) days preceding the applicable mandatory redemption date.

Each Five Thousand Dollars (\$5,000) principal amount shall be considered a separate bond for purposes of optional and mandatory redemption. If less than an entire maturity is called for redemption, the Bonds to be called shall be selected by lot by the Registrar. If some Bonds are to be redeemed by optional redemption and mandatory sinking fund redemption on the same date, the Registrar shall select by lot the Bonds for optional redemption before selecting the Bonds by lot for the mandatory sinking fund redemption.

Notice of such redemption shall be mailed to the registered owner not less than thirty (30) days prior to the date fixed for redemption at the address of the registered owner as shown on the registration record of the City as of the date which is forty-five (45) days prior to said redemption date, unless such redemption notice is waived by the owner of the Bond or Bonds redeemed. The notice shall specify the date and place of redemption and sufficient identification of the Bonds called for redemption. The place of redemption may be determined by the City. Interest on the Bonds so called for redemption shall cease on the redemption date fixed in such notice if sufficient funds are available at the place of redemption to pay the redemption price on the date so named. Coincidentally with the payment of the redemption price, the Bonds so called for redemption shall be surrendered for cancellation.

Registrar and Paying Agent. The Controller is hereby authorized to contract with a qualified institution to serve as Registrar and Paying Agent for the Bonds ("Registrar" or "Paying Agent"). Said Registrar is hereby charged with the responsibility of authenticating the Bonds. The Controller is hereby authorized to enter into such agreements or understandings with the Registrar on the date of issuance of the Bonds, or at any later date until all the Bonds mature or are redeemed, as will enable the institution to perform the services required of a registrar and paying agent. The Controller is further authorized to pay such fees as the Registrar may charge for the services it provides as Registrar and Paying Agent and such fees may be paid from the Bond and Interest Account, as hereinafter defined in Section 9, to pay the principal of and interest on the Bonds and fiscal agency charges.

As to the BANs and as to the Bonds, if sold to a purchaser that does not object to such designation, the Controller may be designated the Registrar and Paying Agent and in that case will be charged with the performance of all of the duties and responsibilities of Registrar and Paying Agent.

The principal of the Bonds shall be payable at the principal office of the Paying Agent. All payments of interest on the Bonds and all payments of interest and principal on the BANs shall be paid by check mailed one business day prior to the payment date to the registered owners thereof, as of the fifteenth day of the month preceding such interest payment date ("Record Date"), at the addresses as they appear on the registration books kept by the Registrar or at such other address as is provided to the Paying Agent in writing by such registered owner. If payment of principal or interest is made to a depository, payment shall be made by wire transfer on the payment date in same-day funds. If the payment date occurs on a date when financial institutions are not open for business, the wire transfer shall be made on the next succeeding business day. The Paying Agent shall be instructed to wire transfer payments by 1:00 p.m. (New York City time) so such payments are received at the depository by 2:30 p.m. (New York City time). All payments on the Bonds and BANs shall be made in any lawful money of the United States of America, which on the date of such payment, shall be legal tender for the payment of public and private debts.

Each Bond shall be transferable or exchangeable only upon the books of the City kept for that purpose at the principal office of the Registrar by the registered owner thereof in person, or by its attorney duly authorized in writing, upon surrender of such bond together with a written instrument of transfer or exchange satisfactory to the Registrar duly executed by the registered owner, or its attorney duly authorized in writing, and thereupon a new fully registered Bond or Bonds in an authorized aggregate principal amount and of the same maturity, shall be executed and delivered in the name of the transferee or transferees or the registered owner, as the case may be, in exchange therefor. The costs of such transfer or exchange shall be borne by the City except for any tax or governmental charge required to be paid with respect to the transfer or exchange, which taxes or governmental charges are payable by the person requesting such transfer or exchange. The City and the Registrar and Paying Agent for the Bonds may treat and consider the person in whose name such Bonds are registered as the absolute owner thereof for all purposes including for the purpose of receiving payment of, or on account of, the principal

thereof and interest due thereon.

Interest on such Bonds shall be payable from the interest payment date to which interest has been paid next preceding the authentication date of the Bonds unless the Bonds are authenticated after the Record Date and on or before such interest payment date in which case they shall bear interest from such interest payment date, or unless the Bonds are authenticated on or before the Record Date preceding the first interest payment date in which case they shall bear interest from the original date of the Bonds until the principal shall be fully paid.

Execution; Revenues Available for Debt Service. Each of said Bonds and BANS shall be executed in the name of the City by the manual or facsimile signature of the Mayor, attested by the manual or facsimile signature of its Controller and the seal of the City shall be affixed, imprinted or impressed to or on each of said Bonds and BANS manually, by facsimile or any other means; and said officials, by the execution of a Signature and No Litigation Certificate, shall adopt as and for their own proper signatures the facsimile signatures appearing on said Bonds and BANS. In case any officer whose signature or facsimile signature appears on the Bonds or BANS shall cease to be such officer before the delivery of the Bonds or BANS, the signature of such officer shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery. The Bonds shall also be authenticated by the manual signature of an authorized representative of the Registrar and no bond shall be valid or become obligatory for any purpose until the certificate of authentication thereon has been so executed.

Said Bonds and BANS shall have all of the qualities and incidents of negotiable instruments under the laws of the State of Indiana, subject to the provisions for registration herein.

The City shall make payment of the principal of, premium, if any, and interest on the bonds from legally available funds of the City. The City shall not be obligated to pay said Bonds or the interest thereon except from such legally available funds. The Bonds shall not constitute an indebtedness of the City within the meaning of the provisions and limitations of the constitution of the State of Indiana.

Form of Bonds. The form and tenor of said Bonds shall be substantially as follows, all blanks to be filled in properly prior to delivery thereof:

UNITED STATES OF AMERICA

No. _____

STATE OF INDIANA

COUNTY OF MARION

CITY OF INDIANAPOLIS
FACILITIES REVENUE BONDS OF 20__

<u>Original Date</u>	<u>Maturity Date</u>	<u>Authentication Date</u>	<u>Interest Rate</u>	<u>[CUSIP]</u>

REGISTERED OWNER:

PRINCIPAL SUM:

The City of Indianapolis ("City"), in Marion County, State of Indiana, for value received, hereby promises to pay to the Registered Owner named above ("Registered Owner") or registered assigns, the Principal Sum set forth above, or so much thereof as may be advanced from time to time and be outstanding as evidenced by the records of the registered owner making payment for this Bond, or its assigns on the Maturity Date set forth above (unless this Bond be subject to and be called for redemption prior to maturity as hereinafter provided), and to pay interest thereon until the Principal Sum shall be fully paid at the Interest Rate per annum specified above, from the interest payment date to which interest has been paid next preceding the Authentication Date of this Bond unless this Bond is authenticated after the first day of the month preceding an interest payment date and on or before such interest payment date in which case it shall bear interest from such interest payment date, or unless this Bond is authenticated

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on or before _____ 15, 20__ [January 15 or July 15 next succeeding date of issuance], in which case it shall bear interest from the Original Date, which interest is payable semiannually on January 15 and July 15, beginning _____ 15, 20__ [January 15 or July 15 next succeeding date of issuance]. Interest shall be calculated according to a 360-day calendar year containing twelve 30-day months. The principal of this Bond is payable at the principal office of _____ ("Registrar" or "Paying Agent"), in the _____ of _____, Indiana. All payments of interest on the Bond shall be paid by check mailed on business day prior to the interest payment date to the registered owner hereof, as of the first day of the month preceding an interest payment date, at the address as it appears on the registration books kept by the Registrar or at such other address as is provided to the Paying Agent in writing by the registered owner. If payment of principal or interest is made to a depository, payment shall be made by wire transfer on the payment date in same-day funds. If the payment date occurs on a date when financial institutions are not open for business, the wire transfer shall be made on the next succeeding business day. The Paying Agent shall wire transfer payments by 1:00 p.m. (New York City time). All payments on the bond shall be made in any lawful money of the United States of America, which on the dates of such payment, shall be legal tender for the payment of public and private debts.

THIS BOND, TOGETHER WITH THE INTEREST HEREON, SHALL BE PAYABLE FROM LEGALLY AVAILABLE FUNDS OF THE CITY, AND NEITHER THIS BOND NOR THE ISSUE OF WHICH IT IS A PART SHALL IN ANY WAY RESPECT CONSTITUTE A CORPORATE INDEBTEDNESS OF THE CITY WITHIN THE PROVISIONS AND LIMITATIONS OF THE CONSTITUTION OF THE STATE OF INDIANA.

[The terms and provisions of this Bond are continued on the reverse side hereof and such terms and provisions shall for all purposes have the same effect as though fully set forth at this place.]

It is hereby certified and recited that all acts, conditions and things required to be done precedent to and in the execution, issuance and delivery of this Bond have been done and performed in regular and due form as provided by law.

This Bond shall not be valid or become obligatory for any purpose until the certificate of authentication hereon shall have been executed by an authorized representative of the Registrar.

IN WITNESS WHEREOF, the City of Indianapolis, in Marion County, Indiana, has caused this Bond to be executed in its corporate name by the manual or facsimile signature of the Mayor and its corporate seal to be hereunto affixed, imprinted or impressed by any means and attested manually or by facsimile by its Controller.

CITY OF INDIANAPOLIS, INDIANA

By: _____
Mayor
[SEAL]

Attest:

Controller

REGISTRAR'S CERTIFICATE OF AUTHENTICATION

This Bond is one of the Bonds described in the within-mentioned ordinance.

As Registrar

By _____
Authorized Representative

Journal of the City-County Council

(To be printed on Reverse Side)

This Bond is one of an authorized issue of Bonds of the City of Indianapolis, of like date, tenor and effect, except as to rates of interest and dates of maturity; aggregating _____ Dollars (\$ _____); numbered consecutively from 1 up; issued for the purpose of providing funds to pay the cost of certain additions, renovations, repairs and improvements to buildings and facilities owned, leased, utilized or from which benefits are derived by the City (the "Projects") and to pay issuance expenses. This Bond is issued pursuant to an ordinance adopted by the Council of said City on the _____ day of _____, 20____, entitled "A SPECIAL ORDINANCE of the City of Indianapolis, Indiana, authorizing the issuance of revenue bonds for the purpose of providing funds to pay the cost of certain additions, renovations, repairs and improvements to certain buildings and facilities of said City and of Marion County, Indiana; the pledge of revenues sufficient to pay the debt service on such bonds; providing for the safeguarding of the interests of the owners of said bonds, other matters connected therewith, including the issuance of notes in anticipation of bonds, and repealing ordinances inconsistent herewith" ("Ordinance"), and in accordance with the provisions of Indiana law, including without limitation Indiana Code 5-1-14 and Indiana Code 36-3-4-21, each as in effect on the date of delivery of the Bonds of this issue ("Act"), the proceeds of which Bonds are to be applied solely to the construction of said Projects.

Pursuant to the provisions of said Act and said ordinance, the principal of and interest on this Bond are payable solely from the Revenue Fund ("Revenue Fund") created by the ordinance to be provided from the legally available funds of the City. In the event there be a default in the payment of the interest on or principal of this Bond, the owner of this Bond shall have all of the rights and remedies provided for under Indiana law.

The City further covenants that it will set aside and pay into its Revenue Fund legally available funds in a sufficient amount for payment of: (a) the interest on all Bonds, as such interest shall fall due; (b) the necessary fiscal agency charges for paying Bonds and interest; (c) the principal of all Bonds, as such principal shall fall due; and (d) an additional amount as a margin of safety to create and maintain the debt service reserve account required by this Ordinance.

This Bond is transferable or exchangeable only upon the books of the City kept for that purpose at the office of the Registrar, by the registered owner hereof in person, or by its attorney duly authorized in writing, upon surrender of this Bond together with a written instrument of transfer or exchange satisfactory to the Registrar duly executed by the registered owner, or its attorney duly authorized in writing, and thereupon a new fully registered Bond or Bonds in an authorized aggregate principal amount and of the same maturity, shall be executed and delivered in the name of the transferee or transferees or to the registered owner, as the case may be, in exchange therefor. This Bond may be transferred or exchanged without cost to the registered owner except for any tax or governmental charge required with respect to the transfer. The City, the Registrar and any paying agent for this Bond may treat and consider the person in whose name this Bond is registered as the absolute owner hereof for all purposes including for the purpose of receiving payment of, or on account of, the principal hereof and interest due hereon.

The Bonds of this issue maturing on or after _____ 15, 20____, are redeemable at the option of the City on _____ 15, 20____, or any date thereafter, on thirty (30) days' notice, in whole or in part, in the order of maturity as determined by the City and by lot within a maturity, at face value, together with the following premiums:

_____ % if redeemed on _____ 15, 20____ or thereafter on or before _____, 20____;

_____ % if redeemed on _____ 15, 20____ or thereafter on or before _____, 20____;

_____ % if redeemed on _____ 15, 20____ or thereafter prior to maturity;

Plus in each case accrued interest to the date fixed for redemption.

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[The Bonds maturing on _____, _____ are subject to mandatory sinking fund redemption prior to maturity, at a redemption price equal to the principal amount thereof plus accrued interest, on _____ in the years and amounts set forth below:

<u>Year</u>	<u>Amount</u>

*

* Final Maturity]

Each Five Thousand Dollars (\$5,000) principal amount shall be considered a separate bond for purposes of optional [and mandatory] redemption. If less than an entire maturity is called for redemption, the Bonds to be redeemed shall be selected by lot by the Registrar. [If some Bonds are to be redeemed by optional redemption and mandatory sinking fund redemption on the same date, the Registrar shall select by lot the Bonds for optional redemption before selecting the Bonds by lot for the mandatory sinking fund redemption.]

Notice of such redemption shall be mailed to the address of the registered owner as shown on the registration record of the City, as of the date which is forty-five (45) days prior to such redemption date, not less than thirty (30) days prior to the date fixed for redemption. The notice shall specify the date and place of redemption and sufficient identification of the Bonds called for redemption. The place of redemption may be determined by the City. Interest on the Bonds so called for redemption shall cease on the redemption date fixed in such notice, if sufficient funds are available at the place of redemption to pay the redemption price on the date so named.

If this Bond shall not be presented for payment or redemption on the date fixed therefor, the City may deposit in trust with its depository bank an amount sufficient to pay such Bond or the redemption price, as the case may be, and thereafter the registered owner shall look only to the funds so deposited in trust with said bank for payment and the City shall have no further obligation or liability in respect thereto.

THE OWNER OF THIS BOND, BY THE ACCEPTANCE HEREOF, HEREBY AGREES TO ALL THE TERMS AND PROVISIONS CONTAINED IN THE ORDINANCE. This Bond is subject to defeasance prior to redemption or payment as provided in the ordinance. The ordinance may be amended without the consent of the owners of the Bonds as provided in the ordinance if the Common Council determines in its sole discretion, that the amendment shall not adversely affect the rights of any of the owners of the Bonds.

The Bonds maturing in any one year are issuable only in fully registered form in the denomination of \$5,000 or any integral multiple thereof not exceeding the aggregate principal amount of the Bonds maturing in such year.

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto _____ the within bond and all rights thereunder, and hereby irrevocably constitutes and appoints _____, attorney, to transfer the within bond in the books kept for the registration thereof with full power of substitution in the premises.

Dated: _____

NOTICE: Signature(s) must be guaranteed by an eligible guarantor institution participating in a Securities Transfer Association recognized signature guarantee program.

NOTICE: The signature to this assignment must correspond with the name as it appears on the face of the within bond in every particular, without alteration or enlargement or any change whatsoever.

SECTION 5. Authorization for Preparation and Sale of the BANs and the Bonds.

The Controller is hereby authorized and directed to have said Bonds and BANs prepared, and the Mayor and Controller are hereby authorized and directed to execute and attest said Bonds and BANs in the form and manner herein provided.

The Controller is hereby authorized and directed to deliver said Bonds and BANs to the purchasers thereof after sale make in accordance with the provisions of this ordinance. At the time of said delivery the Controller shall collect the full amount of the purchase price which the purchasers thereof have agreed to pay therefor, including the discount which shall not be less than 99% of the par value of said BANs or not less than 98% of the par value of said Bonds, as the case may be. The City may receive payment of the BANs in installments.

The Bonds herein authorized, as and to the extent paid for and delivered to the purchaser, shall be the binding revenue obligations of the City, payable out of legally available funds of the City, to be set aside in the Revenue Fund as herein provided. The proceeds derived from the sale of said Bonds shall be and are hereby set aside for application on the cost of the Projects, the refunding of the BANs, if issued, and the expenses necessarily incurred in connection with the Bonds and BANs. The proper officers of the City are hereby directed to draw all proper and necessary warrants, and to do whatever acts and things which may be necessary to carry out the provisions of this ordinance.

In the event the financial advisor to the City certifies to the City that it would be economically advantageous for the City to acquire a debt service reserve surety bond, the City hereby authorizes and directs the Mayor and the Controller to obtain such a surety bond. If such a surety bond is purchased, the Mayor and the Controller are hereby authorized to execute and deliver all agreements with the provider of the surety bond to the extent necessary to comply with the terms of such surety bond and the commitment to issue the surety bonds.

Bond Sale. The Controller is hereby authorized and directed to sell the Bonds of each series with terms consistent with this ordinance by negotiated sale to the Bond Bank in accordance with the qualified entity purchase agreement between the City and the Bond Bank providing for the sale of the Bonds of each series to the Bond Bank ("Purchase Agreement") upon terms consistent with this ordinance.

The Mayor and the Controller are hereby authorized to execute and deliver the Purchase Agreements with the Bond Bank provided that the terms of such Purchase Agreement are in conformance with the terms of this ordinance.

The Bonds of each series shall be delivered by the Controller to the Bond Bank, provided that the price for such Bonds, which shall not be less than 98% of the par value, is paid for such Bonds to the Controller, and the Bond Bank delivers an investment letter acceptable to the City and its attorneys.

Prior to the delivery of the Bonds of each series, the Controller shall obtain a legal opinion as to the validity of the Bonds from Krieg DeVault LLP of Indianapolis, Indiana, bond counsel, and shall furnish such opinion and a customary reliance letter to the Bond Bank. The cost of such opinion shall be considered as part of the costs incidental to these proceedings and shall be paid out of proceeds of the Bonds.

Financial Records and Accounts. The City shall keep proper books of records and accounts, separate from all of its other records and accounts, in which complete and correct entries shall be made showing all deposits and withdrawals to the funds and accounts created hereunder. Copies of all such statements shall be kept on file in the office of the Controller. The substantially final form of Continuing Disclosure Undertaking Agreement (the "Agreement") is hereby approved by the Council and the Mayor and the Controller are hereby authorized and directed to complete and execute the same on behalf of the City. Notwithstanding any other provision of this ordinance, failure of the City to comply with the Agreement shall not be considered an event of default under the Bonds or this ordinance.

Construction Fund. There is hereby created the Construction Fund into which there shall be deposited all net proceeds received from the sale of the Bonds, excluding (i) accrued interest and premium, if any, received at the time of delivery of the Bonds which shall be deposited into the Principal and Interest Account of the Revenue Fund and (ii) an amount equal to the Reserve Requirement (as defined herein) which shall be deposited into the Debt Service Reserve Account of the Revenue Fund. Moneys in the Construction Fund, to the extent not used to refund BANs, shall be deposited and invested in a bank or

banks which are legally designated and qualified depositories for the funds of the City. Moneys in the Construction Fund shall be deposited, secured and held or invested in accordance with the laws of the State of Indiana relating to the depositing, securing and holding or investing of public funds, including particularly, IC 5-13, as amended and supplemented. Moneys in the Construction Fund and any income derived from the investment hereof shall be expended only for the purpose of paying the cost of the Projects, refunding the BANs, if issued and the incidental expenses incurred in connection therewith and with the issuance of Bonds and BANs. Proceeds of the Bonds will be drawn and disbursed in accordance with this ordinance. Disbursements of moneys on deposit in the Construction Fund shall be made by the City to the Building Authority pursuant to the Construction Oversight and Disbursement Agreement, wherein the Building Authority shall agree to supervise and oversee the construction of the Projects and make payment of the costs thereof solely from moneys on deposit in the Construction Fund.

Any balance or balances remaining unexpended in the Construction Fund after the completion of the Projects, which are not required to meet unpaid obligations incurred in connection with the construction of the Projects, shall either: (1) be deposited in the Revenue Fund and used solely for the purposes of said Fund; or (2) be used for the same purpose or type of project for which the Bonds were issued, all in accordance with IC 5-1-13, as amended.

Revenue Fund. There is hereby created the Revenue Fund (the "Revenue Fund") into which the City shall deposit from time to time such amounts as shall be necessary to pay, when due, the principal of, premium, if any, and interest on the Bonds, and any fiscal agency charges in connection with the payment of bonds and interest thereon. There shall be set aside and deposited into the Revenue Fund, as available, an amount of the legally available funds of the City sufficient to meet the requirements of the Bond and Interest Account and the Debt Service Reserve Account created in the Revenue Fund. Upon deposit by the City, such legally available funds shall be credited to the Bond and Interest Account solely to pay the principal of, premium, if any, and interest on the Bonds due and payable within the next thirteen calendar months and, to the extent required hereby, to the Debt Service Reserve Account.

Bond and Interest Account. There is hereby created, within the Revenue Fund, the Bond and Interest Account. There shall be credited on the fourteenth (14th) day of each calendar month to the Bond and Interest Account an amount equal to the sum of one-twelfth (1/12) of the principal and one-sixth (1/6) of the interest on all then outstanding Bonds on the next succeeding principal and interest payment dates, until the amount so credited shall equal the interest and principal payable on the next succeeding principal and interest payment dates, respectively.

Debt Service Reserve Account. There is hereby created, within the Revenue Fund, the Debt Service Reserve Account. The City shall deposit on the date of delivery of the Bonds an amount of net proceeds of the Bonds, a debt service reserve surety bond, or a combination thereof, into the Debt Service Reserve Account until the balance therein equals but does not exceed the least of: (i) maximum annual principal and interest requirements of the Bonds; (ii) 125% of average annual debt service on the Bonds; or (iii) 10% of the proceeds of the Bonds ("Reserve Requirement").

The Debt Service Reserve Account shall constitute the margin for safety and a protection against default in the payment of principal of and interest on said Bonds, and the moneys in the Debt Service Reserve Account shall be used to pay current principal and interest on the Bonds, to the extent that moneys in the Bond and Interest Account are insufficient for that purpose. Any deficiency in balance maintained in the Debt Service Reserve Account shall be promptly made up from legally available funds of the City after the required deposits are made to the Bond and Interest Account. Moneys maintained in the Debt Service Reserve Account in excess of the Reserve Requirement shall be used for redemption of then outstanding Bonds.

The Council, upon the advice of its financial advisor, hereby finds that funding the Debt Service Reserve Account is reasonably required and that the Reserve Requirement is no larger than necessary to market the Bonds. The Council further finds that the Debt Service Reserve Account is directly related to the Projects since the Bonds could not be issued to fund the Projects without the Debt Service Reserve Account.

There shall similarly be credited to the account any amount necessary to pay the bank fiscal agency charges for paying principal and interest on outstanding bonds as the same become payable. The City shall, from the sums deposited in the Revenue Fund and credited to the Bond and Interest Account, remit promptly to the registered owner or to the bank fiscal agency sufficient moneys to pay the interest and principal on the due dates thereof together with the amount of bank fiscal agency charges.

Investment of Funds. The Revenue Fund and the Construction Fund shall be maintained as a separate

account or accounts from all other accounts of the City. All moneys deposited in the accounts shall be deposited, held and secured as public funds in accordance with the public depository laws of the State of Indiana provided that moneys therein may be invested in obligations in accordance with the applicable laws, including particularly IC 5-13, as amended or supplemented, and in the event of such investment the income therefrom shall become a part of the funds invested and shall be used only as provided in this ordinance. Such account or accounts may be established and held by the Bond Bank for the benefit of the City.

Defeasance of the Bonds. If, when the Bonds issued hereunder or any portion thereof shall have become due and payable in accordance with their terms or shall have been duly called for redemption or irrevocable instructions to call the Bonds or any portion thereof for redemption shall have been given, and the whole amount of the principal and the interest and the premium, if any, so due and payable upon all of the Bonds or any portion thereof then outstanding shall be paid; or (i) sufficient moneys or (ii) direct obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by the United States of America, the principal of and the interest on which when due will provide sufficient moneys for such purpose, shall be held in trust for such purpose, and provision shall also be made for paying all fees and expenses for the redemption, then and in that case the Bonds issued hereunder or any designated portion thereof shall no longer be deemed outstanding.

Further Covenants of the City: Maintenance, Insurance and Contract with Bondholders. For the purpose of further safeguarding the interests of the owners of the Bond and BANs, it is hereby specifically provided as follows:

All contracts let by the City in connection with the construction of the Projects shall be let after due advertisement as required by the laws of the State of Indiana, and all contractors shall be required to furnish surety bonds in an amount equal to 100% of the amount of such contracts, to insure the completion of said contracts in accordance with their terms, and such contractors shall also be required to carry such employers' liability and public liability insurance as are required under the laws of the State of Indiana in the case of public contracts, and shall be governed in all respects by the laws of the State of Indiana relating to public contracts.

The Projects shall be constructed under plans and specifications approved by competent architects and engineers designated by the City. All estimates for work done or material furnished shall first be checked by the architect or engineer and approved by the City prior to payment therefor.

So long as any of the Bonds or BANs herein authorized is outstanding, the City shall maintain, or cause to be maintained, insurance on the insurable parts of the Projects, of a kind and in an amount such as is usually carried by private corporations engaged in a similar type of business. All insurance shall be placed with responsible insurance companies qualified to do business under the laws of the State of Indiana, and insurance proceeds shall be used either in replacing or restoring the property destroyed or damaged, or shall be deposited in the Revenue Fund.

The provisions of this ordinance shall constitute a contract by and between the City and the owners of the Bonds and BANs herein authorized and after the issuance of the Bonds or BANs, this ordinance shall not be repealed or amended in any respect which will adversely affect the rights of the owners of the Bonds or BANs, nor shall the Council adopt any law, ordinance or resolution which in any way adversely affects the rights of such owners so long as any of the Bonds or BANs, or the interest thereon, remain unpaid. Except in the case of changes described in Section 14(a)-(d), this ordinance may be amended, however, without the consent of BAN or bondowners, if the Council determines, in its sole discretion, that such amendment would not adversely affect the owners of the Bond or BANs.

The provisions of this ordinance shall be construed to create a trust in the proceeds of the sale of the Bonds and BANs herein authorized for the uses and purposes herein set forth, and the owners of the Bonds and BANs shall retain a lien on such proceeds until the same are applied in accordance with the provisions of this ordinance and of said governing Act. The provisions of this ordinance shall also be construed to create a trust in moneys directed to be set apart and paid into the Revenue Fund for the uses and purposes of that fund as in this ordinance set forth.

Tax Covenants. In order to preserve the exclusion of interest on the Bonds and BANs from gross income, under the Internal Revenue Code of 1986, as in effect on the date of delivery of the Bonds or BANs, as the case may be ("Code"), and as an inducement to the purchasers of the Bonds and BANs, the City represents, covenants and agrees:

The Projects will be available for use by members of the general public. Use by a member of the general public means use by natural persons not engaged in a trade or business. No person or entity other than the City or another state or local governmental unit will use more than 10% of the proceeds of the Bonds or BANs or property financed by the Bond or BAN proceeds other than as a member of the general public. No person or entity other than the City or another state or local governmental unit will own property financed by Bond or BAN proceeds or will have any actual or beneficial use of such property pursuant to a lease, management, service or incentive payment contract, an arrangement including take-or-pay or other type of output contracts or any other type of arrangement that conveys other special legal entitlements and differentiates that person's or entity's use of such property from use by the general public, unless such uses in the aggregate relate to no more than 10% of the proceeds of the Bonds or BANs, as the case may be. If the City enters into a management contract for all or a portion of the Projects, the terms of the contract will comply with the Regulations and IRS Revenue Procedure 97-13, as amended, supplemented or superseded from time to time, so that the contract will not give rise to private business use under the Code and the Regulations unless such use in the aggregate will not relate to more than 10% of the proceeds of the Bonds or BANs, as the case may be.

No more than 10% of the principal of or interest on the Bonds or BANs is (under the terms of the Bonds, the BANs, this ordinance or any underlying arrangement), directly or indirectly, secured by an interest in property used or to be used for private business use or payments in respect of such property, or to be derived from payments (whether or not to the City) in respect of such property or borrowed money used or to be used for a private business use.

No more than 5% of the Bond or BAN proceeds will be loaned to any person or entity other than another state or local governmental unit. No more than 5% of the Bond or BAN proceeds will be transferred, directly or indirectly, or deemed transferred to a nongovernmental person in any manner that would in substance constitute a loan of the Bond or BAN proceeds.

The City reasonably expects, as of the date hereof, that the Bonds and BANs will not meet either the private business use test described in paragraphs (a) and (b) above or the private loan test described in paragraph (c) above during the entire term of the Bonds or BANs, as the case may be.

No more than 5% of the proceeds of the Bonds or BANs will be attributable to private business use as described in (a) and private security or payments described in (b) attributable to unrelated or disproportionate private business use. For this purpose, the private business use test is applied by taking into account only use that is not related to any government use of proceeds of the issue (Unrelated Use) and use that is related but disproportionate to any governmental use of those proceeds (Disproportionate Use).

The City will not take any action nor fail to take any action with respect to the Bonds or BANs that would result in the loss of the exclusion from gross income for federal tax purposes of interest on the Bonds or BANs pursuant to Section 103 of the Code, nor will the City act in any other manner which would adversely affect such exclusion, and it will not make any investment or do any other act or thing during the period that the Bonds or BANs are outstanding which would cause the Bonds or BANs to be private activity bonds under the meaning of Section 141 of the Code.

It shall not be an event of default under this ordinance if the interest on any Bonds or BANs is not excludable from gross income for federal tax purposes or otherwise pursuant to any provision of the Code which is not currently in effect and in existence on the date of issuance of the BANS or Bonds, as the case may be.

Amendments with Consent of Bondholders. Subject to the terms and provisions contained in this section, and not otherwise, the owners of not less than sixty-six and two-thirds percent (66 2/3%) in aggregate principal amount of the Bonds issued pursuant to this ordinance and then outstanding shall have the right from time to time, anything contained in this ordinance to the contrary notwithstanding, to consent to and approve the adoption by the Council of such ordinance or ordinances supplemental hereto or amendatory hereof, as shall be deemed necessary or desirable by the City for the purpose of modifying, altering, amending, adding to or rescinding in any particular any of the terms or provisions contained in this ordinance, or in any supplemental ordinance; provided, however, that nothing herein contained shall permit or be construed as permitting:

An extension of the maturity of the principal of, mandatory sinking fund redemption dates, if any, or interest on any Bond issued pursuant to this ordinance; or

A reduction in the principal amount of any Bond or the redemption premium or the rate of

interest thereon; or

A preference or priority of any Bond or Bonds issued pursuant to this ordinance over any other Bond or Bonds issued pursuant to the provisions of this ordinance; or

A reduction in the aggregate principal amount of the Bonds required for consent to such supplemental ordinance.

In the event that the owners of not less than sixty-six and two-thirds percent (66 2/3%) in aggregate principal amount of the Bonds outstanding at the time of adoption of such supplemental ordinance shall have consented to and approved the adoption thereof by written instrument to be maintained on file in the office of the Controller, no owner of any Bond issued pursuant to this ordinance shall have any right to object to the adoption of such supplemental ordinance or to object to any of the terms and provisions contained therein or the operation thereof, or in any manner to question the propriety of the adoption thereof, or to enjoin or restrain the Council from adopting the same, or from taking any action pursuant to the provisions thereof. Upon the adoption of any supplemental ordinance pursuant to the provisions of this section, this ordinance shall be, and shall be deemed, modified and amended in accordance therewith, and the respective rights, duties and obligations under this ordinance of the City and all owners of Bonds then outstanding, shall thereafter be determined, exercised and enforced in accordance with this ordinance, subject in all respects to such modifications and amendments. Notwithstanding anything contained in the foregoing provisions of this ordinance, the rights and obligations of the City and of the owners of the Bonds authorized by this ordinance, and the terms and provisions of the Bonds and this ordinance, or any supplemental or amendatory ordinance, may be modified or altered in any respect with the consent of the City and the consent of the owners of all the Bonds then outstanding.

Issuance of BANs.

The City, having satisfied all the statutory requirements for the issuance of its Bonds, may elect to issue its BAN or BANs pursuant to a Bond Anticipation Note Purchase Agreement ("BAN Purchase Agreement") to be entered into between the City and the purchaser of the BAN or BANs. The Council hereby authorizes the issuance and execution of the BAN or BANs in lieu of initially issuing bonds to provide interim construction financing for the Projects until permanent financing becomes available. It shall not be necessary for the City to repeat the procedures for the issuance of its Bonds, as the procedures followed before the issuance of the BAN or BANs are for all purposes sufficient to authorize the issuance of the Bonds and the use of the proceeds to repay the BAN or BANs.

The Mayor and the Controller are hereby authorized and directed to execute a BAN Purchase Agreement in such form or substance as they shall approve acting upon the advice of counsel. The Mayor and the Controller may also take such other actions or deliver such other certificates as are necessary or desirable in connection with the issuance of the BANs or the Bonds and the other documents needed for the financing as they deem necessary or desirable in connection therewith.

Compliance with Tax Covenants. Notwithstanding any other provisions of this ordinance, the covenants and authorizations contained in this ordinance ("Tax Sections") which are designed to preserve the exclusion of interest on the BANs and Bonds from gross income under federal tax law ("Tax Exemption") need not be complied with if the City receives an opinion of bond counsel that any Tax Section is unnecessary to preserve the Tax Exemption.

Additional Appropriation. The Council hereby makes an appropriation in an amount not to exceed Twenty Million Dollars (\$20,000,000) to be applied to the payment of the costs of the Projects, including costs of issuance of the Bonds, capitalized interest thereon and the funding of the Debt Service Reserve Account, all as more particularly described in this Ordinance; and that the funds to meet this appropriation be provided out of the proceeds of the Bonds. This appropriation is in addition to all other appropriations provided for in the existing budget of the City for the current year. The Controller is hereby authorized and directed to provide information to the Department of Local Government Finance concerning this appropriation.

Conflicting Ordinances. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Headings. The headings or titles of the several sections shall be solely for convenience of reference and shall not affect the meaning, construction or effect of this ordinance.

Appropriation for Reserve Fund.

The City and the Bond Bank have agreed that the Bond Bank shall purchase the Bonds. In order to provide the Bond Bank with funds with which to purchase the Bonds from the City, the Bond Bank will issue its bonds, which bonds shall be secured by a debt service reserve fund as authorized by IC 5-1.4-5-1.

In order to assure the maintenance of the required debt service reserve created by the Bond Bank in the aforementioned reserve fund, the Council may annually appropriate to the Bond Bank for deposit in such reserve fund the sum, certified by the chairman of the board of the Bond Bank to the Council, that is necessary to restore such reserve fund to an amount equal to the required debt service reserve. The chairman of the Bond Bank, annually, before December 1, shall make and deliver to the Council a certificate stating the sum required to restore the funds to that amount. Nothing contained herein shall create a debt or liability of the City to make any appropriation.

(c) All amounts received on account of money appropriated by the Council to such reserve fund shall be held and applied in accordance with IC 5-1.4-5-1(b). However, at the end of each fiscal year, if the amount in such reserve fund exceeds the required debt service reserve, any amount representing earnings or income received on account of any money appropriated to the reserve fund that exceeds the expenses of the Bond Bank for that fiscal year may be transferred to the general fund of the City.

Effective Date. This ordinance shall be in full force and effect from and after its adoption and compliance with IC 36-3-4-14.

Councillor Moriarty Adams reported that the Public Safety and Criminal Justice Committee heard Proposal Nos. 632-635, 2005 on December 21, 2005. She asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 632, 2005. The proposal, sponsored by Councillors Moriarty Adams and Talley, approves a transfer of \$29,841 in the 2005 Budget of the Marion County Sheriff's Department (State and Federal Grants Fund) to pay court line deputy salaries while in training using the Department of Justice Block Grant #9. PROPOSAL NO. 633, 2005. The proposal, sponsored by Councillors Moriarty Adams and Talley, approves a transfer of \$71,262 in the 2005 Budget of the Marion County Sheriff's Department (State and Federal Grants Fund) to pay salaries for two special deputies in Crime Prevention using Justice Assistance Funding. PROPOSAL NO. 634, 2005. The proposal, sponsored by Councillor Moriarty Adams, approves a transfer of \$2,236 in the 2005 Budget of the Marion County Prosecutor (State and Federal Grants Fund) to purchase training supplies through Block Grant 8. PROPOSAL NO. 635, 2005. The proposal, sponsored by Councillor Borst, approves a transfer of \$5,000 in the 2005 Budget of the Marion Superior Court (State and Federal Grants Fund) to pay salary expenses of a service referral coordinator working for the Family Court Project, funded by the Efromyson Fund. By a 6-0 vote², the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Moriarty Adams moved, seconded by Councillor Borst, for adoption. Proposal Nos. 632-635, 2005 were adopted on the following roll call vote; viz:

26 YEAS: Abdullah, Borst, Bowes, Boyd, Bradford, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Randolph, Salisbury, Sanders, Schneider, Speedy, Talley

0 NAYS:

2 NOT VOTING: Brown, Plowman

1 ABSENT: Langsford

Proposal No. 632, 2005 was retitled FISCAL ORDINANCE NO. 1, 2006, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 1, 2006

A FISCAL ORDINANCE amending the City-County Annual Budget for 2005 (City-County Fiscal Ordinance No. 138, 2004) transferring Twenty Nine Thousand Eight Hundred Forty One Dollars (\$29,841) in the State and Federal Grants Fund for purposes of the Marion County Sheriff's Department.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (b) of the City-County Annual Budget for 2005 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Sheriff's Department to pay court line deputy salaries during training.

SECTION 2. The sum of Twenty Nine Thousand Eight Hundred Forty One Dollars (\$29,841) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY SHERIFF'S DEPARTMENT</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services	<u>29,841</u>
TOTAL INCREASE	29,841

SECTION 4. The said additional appropriation is funded by the following reductions:

<u>MARION COUNTY SHERIFF'S DEPARTMENT</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
3. Other Services and Charges	<u>29,841</u>
TOTAL REDUCTION	29,841

SECTION 5. No Local Match

SECTION 6. Except to the extent of matching funds approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 633, 2005 was retitled FISCAL ORDINANCE NO. 2, 2006, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 2, 2006

A FISCAL ORDINANCE amending the City-County Annual Budget for 2005 (City-County Fiscal Ordinance No. 138, 2004) transferring Seventy One Thousand Two Hundred Sixty Two Dollars (\$71,262) in the State and Federal Grants Fund for purposes of the Marion County Sheriff's Department.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (b) of the City-County Annual Budget for 2005 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Sheriff's Department to pay salaries related to crime prevention.

SECTION 2. The sum of Seventy One Thousand Two Hundred Sixty Two Dollars (\$71,262) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

January 9, 2006

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY SHERIFF'S DEPARTMENT</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services	<u>71,262</u>
TOTAL INCREASE	71,262

SECTION 4. The said additional appropriation is funded by the following reductions:

<u>MARION COUNTY SHERIFF'S DEPARTMENT</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
3. Other Services and Charges	<u>71,262</u>
TOTAL REDUCTION	71,262

SECTION 5. No Local Match

SECTION 6. Except to the extent of matching funds approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 634, 2005 was retitled FISCAL ORDINANCE NO. 3, 2006, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 3, 2006

A FISCAL ORDINANCE amending the City-County Annual Budget for 2005 (City-County Fiscal Ordinance No. 139, 2004) transferring and appropriating Two Thousand Two Hundred Thirty Six Dollars (\$2,236) in the State and Federal Grant Fund for purposes of the Marion County Prosecutor and reducing certain other appropriations for that agency.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (a) of the City-County Annual Budget for 2005 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion County Prosecutor to purchase training supplies through Block Grant 8, financed by a transfer between characters.

SECTION 2. The sum of Two Thousand Two Hundred Thirty Six Dollars (\$2,236) be, and the same is hereby transferred for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION COUNTY PROSECUTOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
2. Supplies	<u>2,236</u>
TOTAL INCREASE	2,236

SECTION 4. The said additional appropriation is funded by the following reductions:

<u>MARION COUNTY PROSECUTOR</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
3. Other Service and Charges	<u>2,236</u>
TOTAL INCREASE	2,236

SECTION 5. Except to the extent of matching funds approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 6. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 635, 2005 was retitled FISCAL ORDINANCE NO. 4, 2006, and reads as follows:

CITY-COUNTY FISCAL ORDINANCE NO. 4, 2006

A FISCAL ORDINANCE amending the City-County Annual Budget for 2005 (City-County Fiscal Ordinance No. 139, 2004) transferring Five Thousand Dollars (\$5,000) in the State and Federal Grants Fund for purposes of the Marion Superior Court.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. To provide for expenditures the necessity for which has arisen since the adoption of the annual budget, Section 1 (f) of the City-County Annual Budget for 2005 be, and is hereby, amended by the increases and reductions hereinafter stated for purposes of the Marion Superior Court to pay salaries related to the Family Court Project.

SECTION 2. The sum of Five Thousand Dollars (\$5,000) be, and the same is hereby appropriated for the purposes as shown in Section 3 by reducing the accounts as shown in Section 4.

SECTION 3. The following additional appropriation is hereby approved:

<u>MARION SUPERIOR COURT</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
1. Personal Services	<u>5,000</u>
TOTAL INCREASE	5,000

SECTION 4. The said additional appropriation is funded by the following reductions:

<u>MARION SUPERIOR COURT</u>	<u>STATE AND FEDERAL GRANTS FUND</u>
3. Other Services and Charges	<u>5,000</u>
TOTAL REDUCTION	5,000

SECTION 5. No Local Match

SECTION 6. Except to the extent of matching funds approved in this ordinance, the council does not intend to use the revenues from any local tax regardless of source to supplement or extend the appropriation for the agencies or projects authorized by this ordinance. The supervisor of the agency or project, or both, and the controller are directed to notify in writing the city-county council immediately upon receipt of any information that the agency or project is, or may be, reduced or eliminated.

SECTION 7. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Councillor Conley reported that the Public Works Committee heard Proposal Nos. 637-660, 2005 on January 5, 2006. He asked for consent to vote on these proposals together. Consent was given.

PROPOSAL NO. 637, 2005. The proposal, sponsored by Councillor Randolph, authorizes intersection controls for the Walden Trace Subdivision (District 1). PROPOSAL NO. 638, 2005. The proposal, sponsored by Councillor Randolph, authorizes intersection controls for the Walden Glen Subdivision (District 1). PROPOSAL NO. 639, 2005. The proposal, sponsored by Councillor Mansfield, authorizes intersection controls for Crooked Creek Villages East, Sections 1, 2 and 3 (District 2). PROPOSAL NO. 640, 2005. The proposal, sponsored by Councillor Bradford, authorizes intersection controls for 88th Street and Driftwood Drive, Glen Hill Drive and Rosewood Lane, and 88th Street and Rosewood Lane (District 3). PROPOSAL NO. 641, 2005. The proposal, sponsored by Councillor Cain, authorizes intersection controls for Barnstable Court and Graham Road (District 5). PROPOSAL NO. 642, 2005. The proposal, sponsored by Councillor McWhirter, authorizes parking restrictions on Shadow Wood Drive between Shadow Wood Court and Reed Road (District 6). PROPOSAL NO. 643, 2005. The proposal, sponsored by Councillor Nytes, authorizes parking restrictions on Fairfield Avenue from Central Avenue to Watson Road (District 9). PROPOSAL NO. 644, 2005. The proposal,

sponsored by Councillor Abdullah, authorizes a bus stop zone on Illinois Street near New York Street (District 15). PROPOSAL NO. 645, 2005. The proposal, sponsored by Councillor Abdullah, authorizes a bus stop on Illinois Street between North Street and Walnut Street (District 15). PROPOSAL NO. 646, 2005. The proposal, sponsored by Councillor Abdullah, authorizes parking restrictions on Illinois Street near 19th Street (District 15). PROPOSAL NO. 647, 2005. The proposal, sponsored by Councillor Abdullah, authorizes parking restrictions on Pennsylvania Street near 23rd Street (District 15). PROPOSAL NO. 648, 2005. The proposal, sponsored by Councillors Keller and Day, authorizes parking restrictions on State Avenue from Pleasant Run Parkway South Drive to Washington Street (Districts 16 and 20). PROPOSAL NO. 649, 2005. The proposal, sponsored by Councillor Moriarty Adams, authorizes parking restrictions on 23rd Street from Bolton Avenue to Arlington Avenue (District 17). PROPOSAL NO. 650, 2005. The proposal, sponsored by Councillor Brown, authorizes intersection controls for the Bradford Trace Subdivision, Sections 1, 2 and 3 (District 18). PROPOSAL NO. 651, 2005. The proposal, sponsored by Councillor Brown, authorizes intersection controls for the Tealpoint Subdivision, Sections 1 & 2 (District 18). PROPOSAL NO. 652, 2005. The proposal, sponsored by Councillor Brown, authorizes intersection controls for the Lawrence Lakes Subdivision, Section 3 (District 18). PROPOSAL NO. 653, 2005. The proposal, sponsored by Councillor Brown, authorizes intersection controls for the Bradford Trace Subdivision, Sections 4, 5 & 6 (District 18). PROPOSAL NO. 654, 2005. The proposal, sponsored by Councillor Mahern, authorizes a multi-way stop at the intersection of Drover Street, River Avenue and White River Parkway West Drive (District 19). PROPOSAL NO. 655, 2005. The proposal, sponsored by Councillor Mahern, authorizes a change in parking restrictions on Sycamore Street between Meridian Street and Union Street (District 19). PROPOSAL NO. 656, 2005. The proposal, sponsored by Councillor Plowman, authorizes intersection controls for the Southport Green Subdivision, Section 1 (District 25). PROPOSAL NO. 657, 2005. The proposal, sponsored by Councillor Plowman, authorizes intersection controls for the Wildcat Run Subdivision, Section 11 (District 25). PROPOSAL NO. 658, 2005. The proposal, sponsored by Councillor Plowman, authorizes intersection controls for the Woodland Trails Subdivision, Sections 1 & 2 (District 25). PROPOSAL NO. 659, 2005. The proposal, sponsored by Councillor Plowman, authorizes intersection controls for the Glen Ridge Commons Subdivision, Section 1 (District 25). PROPOSAL NO. 660, 2005. The proposal, sponsored by Councillor Plowman, authorizes intersection controls for the Glen Ridge Estates Subdivision, Sections 1 & 2 (District 25). By a 6-0 vote, the Committee reported the proposals to the Council with the recommendation that they do pass. Councillor Conley moved, seconded by Councillor Mahern, for adoption. Proposal No. 637-660, 2005 was adopted on the following roll call vote; viz:

26 YEAS: Abdullah, Borst, Bowes, Boyd, Bradford, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Mahern, Mansfield, McWhirter, Moriarty Adams, Nytes, Oliver, Pfisterer, Randolph, Salisbury, Sanders, Schneider, Speedy, Talley

0 NAYS:

2 NOT VOTING: Brown, Plowman

1 ABSENT: Langsford

Proposal No. 637, 2005 was retitled GENERAL ORDINANCE NO. 3, 2006, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 3, 2006

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
1	Walden Trace Ct. & Walden Trace Dr.	Walden Trace Dr.	Stop
1	Walden Trace Dr. & 86 th St.	86 th St.	Stop

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 638, 2005 was retitled GENERAL ORDINANCE NO. 4, 2006, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 4, 2006

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
1	Lafayette Rd. & Walden Glen Ct.	Lafayette Rd.	Stop

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 639, 2005 was retitled GENERAL ORDINANCE NO. 5, 2006, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 5, 2006

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
10	Creekshore Dr. & Creekshore Ln.	Creekshore Dr.	Stop
10	Creekshore Dr. & Kelsey Dr. (NB) & Kelsey Dr. (SB)	Creekshore Dr. & Kelsey Dr. (NB)	Stop
10	Creekshore Ln. & Kelsey Dr.	Kelsey Dr.	Stop

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10	Kasan Ct. & Kelsey Dr.	Kelsey Dr.	Stop
10	Kelsey Cir. & Kelsey Dr.	Kelsey Dr.	Stop
10	Kelsey Dr. & Waterloo Dr.	None	All Way Stop
10	Kelsey Dr. & Weller Cir.	Kelsey Dr.	Stop
10	Waterloo Dr. & Waterloo Ln.	Waterloo Dr.	Stop

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 640, 2005 was retitled GENERAL ORDINANCE NO. 6, 2006, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 6, 2006

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
4	88 th St. & Driftwood Dr.	Driftwood Dr.	Stop
4	88 th St. & Rosewood Ln.	Rosewood Ln.	Stop
4	Glen Hill Dr. & Rosewood Ln.	Rosewood Ln.	Stop

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 641, 2005 was retitled GENERAL ORDINANCE NO. 7, 2006, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 7, 2006

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

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SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
5	Barnstable Ct. & Graham Rd.	Graham Rd.	Stop

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 642, 2005 was retitled GENERAL ORDINANCE NO. 8, 2006, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 8, 2006

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 621-121, Parking prohibited at all times on certain streets.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-121, Parking prohibited at all times on certain streets, be and the same is hereby amended by the addition of the following, to wit:

Shadow Wood Drive, on the north side,
from a point 180 feet west of Shadow Wood Court to Reed Road

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 643, 2005 was retitled GENERAL ORDINANCE NO. 9, 2006, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 9, 2006

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 621-125, Stopping, standing and parking prohibited at designated locations on certain days and hours.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-125, Stopping, standing and parking prohibited at designated locations on certain days and hours, be and the same is hereby amended by the deletion of the following, to wit:

ON ANY DAY EXCEPT
SATURDAYS AND SUNDAYS
from 6:00 a.m. to 9:00 a.m.

Fairfield Avenue, on the north side, from
College Avenue to Central Avenue

SECTION 2. That the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana, specifically Sec. 621-121, Parking prohibited at all times on certain streets, be, and the same is hereby amended by the addition of the following, to wit:

Fairfield Avenue, on the north side, from
Central Avenue to Watson Road

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SECTION 3. That the Revised Code of the Consolidated City and County, Indianapolis/Marion County, Indiana, specifically Sec. 621-125, Stopping, standing and parking prohibited at designated locations on certain days and hours, be and the same is hereby amended by the addition of the following, to wit:

ON ANY DAY EXCEPT
SATURDAYS AND SUNDAYS
from 6:00 a.m. to 9:00 a.m.

Fairfield Avenue, on the north side, from
Watson Road to College Avenue

SECTION 4. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 644, 2005 was retitled GENERAL ORDINANCE NO. 10, 2006, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 10, 2006

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 621-402, Bus stop and trolley stop zones.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-402, Bus stop and trolley stop zones, be and the same is hereby amended by the addition of the following, to wit:

Bus Stop Zones

Illinois Street, on the east side,
From a point 61 feet south of New York Street to New York Street

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 645, 2005 was retitled GENERAL ORDINANCE NO. 11, 2006, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 11, 2006

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 621-402, Bus stop and trolley stop zones.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-402, Bus stop and trolley stop zones, be and the same is hereby amended by the addition of the following, to wit:

Bus Stop Zones

Illinois Street, on the east side, from
North Street to a point 75 feet north of North Street

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 646, 2005 was retitled GENERAL ORDINANCE NO. 12, 2006, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 12, 2006

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 621-121, Parking prohibited at all times on certain streets.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-121, Parking prohibited at all times on certain streets, be and the same is hereby amended by the addition of the following, to wit:

Illinois Street, on the west side,
from a point 100 feet south of Nineteenth Street to Nineteenth Street

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 647, 2005 was retitled GENERAL ORDINANCE NO. 13, 2006, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 13, 2006

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 621-121, Parking prohibited at all times on certain streets.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-121, Parking prohibited at all times on certain streets, be and the same is hereby amended by the addition of the following, to wit:

Pennsylvania Street, on the east side, from
Twenty-third Street to a point 75 feet north of Twenty-third Street

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 648, 2005 was retitled GENERAL ORDINANCE NO. 14, 2006, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 14, 2006

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 621-121, Parking prohibited at all times on certain streets.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-121, Parking prohibited at all times on certain streets, be and the same is hereby amended by the addition of the following, to wit:

State Avenue, on the east side, from
Pleasant Run Parkway South Drive to Washington Street

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 649, 2005 was retitled GENERAL ORDINANCE NO. 15, 2006, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 15, 2006

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 621-121, Parking prohibited at all times on certain streets.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-121, Parking prohibited at all times on certain streets, be and the same is hereby amended by the addition of the following, to wit:

Twenty-third Street, on the south side, from
Bolton Avenue to Arlington Avenue

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 650, 2005 was retitled GENERAL ORDINANCE NO. 16, 2006, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 16, 2006

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
28	Bradford Trace Blvd. & Bradford Trace Way & Star Fire Dr.	Bradford Trace Blvd. & Star Fire Dr.	Stop
28	Bradford Trace Blvd. & Silver Drift Way & Sweet Blossom Ln.	Bradford Trace Blvd.	Stop
28	Bradford Trace Blvd. & Twin Leaf Ct.	Bradford Trace Blvd.	Stop
28	Bradford Trace Blvd. & 21 st St.	21 st St.	Stop
28	Bradford Trace Ct. & Sweet Blossom Ln.	Sweet Blossom Ln.	Stop
28	Bradford Trace Way & Red Leaf Ct.	Bradford Trace Way	Stop
28	Bradford Trace Way & Shady Hollow Ln.	None	All Way Stop
28	Emerald Leaf Ct. & Shady Hollow Ln.	Shady Hollow Ln.	Stop

28	Shady Hollow Ln. & Sweet Blossom Ln.	Sweet Blossom Ln.	Stop
28	Silver Drift Ct. & Silver Drift Way & Star Fire Dr.	Silver Drift Way & Star Fire Dr.	Stop

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 651, 2005 was retitled GENERAL ORDINANCE NO. 17, 2006, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 17, 2006

A GENERAL ORDINANCE amending the “Revised Code of the Consolidated City and County,” Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The “Revised Code of the Consolidated City and County,” specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
28	Amber Glow Ln. (EB) & Amber Glow Ln. & Tealpoint Ln.	Amber Glow Ln. & Tealpoint Ln.	Stop
28	Amber Glow Ln. & German Church Rd.	German Church Rd.	Stop
28	German Church Rd. & Tealpoint Dr.	German Church Rd.	Stop
28	Tealpoint Cir. & Tealpoint Dr.	Tealpoint Cir	Stop
28	Tealpoint Ct. & Tealpoint Dr.	Tealpoint Dr.	Stop
28	Tealpoint Dr. & Tealpoint Ln.	Tealpoint Dr.	Stop

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 652, 2005 was retitled GENERAL ORDINANCE NO. 18, 2006, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 18, 2006

A GENERAL ORDINANCE amending the “Revised Code of the Consolidated City and County,” Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The “Revised Code of the Consolidated City and County,” specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

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<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
21	Roundwood Dr. & Roundwood Ct.	Roundwood Dr.	Stop

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 653, 2005 was retitled GENERAL ORDINANCE NO. 19, 2006, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 19, 2006

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
28	Blooming Ct & Prairie Fire Dr.	Prairie Fire Dr.	Stop
28	Bradford Trace Blvd. & Fall Dr.	Bradford Trace Blvd.	Stop
28	Bradford Trace Blvd. & Orange Blossom Ct. & Prairie Fire Dr.	Bradford Trace Blvd.	Stop
28	Bradford Trace Blvd. & 21 st St.	21 st St.	Stop
28	Elderberry Way & Fairweather Dr. & Fairweather Pl.	Elderberry Way	Stop
28	Elderberry Way & Prairie Fire Dr. & Prairie Fire Ln.	Prairie Fire Dr. & Prairie Fire Ln.	Stop
28	Fairweather Dr. & Prairie Fire Ln.	Prairie Fire Ln.	Stop
28	Red Bush Ct. & Red Bush Dr.	Red Bush Dr.	Yield

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 654, 2005 was retitled GENERAL ORDINANCE NO. 20, 2006, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 20, 2006

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the deletion of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
31	Drover St. & River Ave. & White River Pkwy WDR	River Ave.	Stop

SECTION 2. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
31	Drover St. & River Ave. & White River Pkwy WDR	None	All Way Stop

SECTION 3. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 655, 2005 was retitled GENERAL ORDINANCE NO. 21, 2006, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 21, 2006

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 621-121, Parking prohibited at all times on certain streets.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 621-121, Parking prohibited at all times on certain streets, be and the same is hereby amended by the addition of the following, to wit:

Sycamore Street, on the north side, from
Meridian Street to Union Street

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 656, 2005 was retitled GENERAL ORDINANCE NO. 22, 2006, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 22, 2006

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

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SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
48	Kentland Dr. & Kentland Dr.	Kentland Dr.	Stop
48	Kentland Dr. & Kentland Dr. & Kentland Way	Kentland Dr. & Kentland Way (6700 S)	Stop
48	Kentland Dr. & Kentland Dr. & Kentland Way	Kentland Dr. & Kentland Way (6800 S)	Stop
48	Kentland Dr. & Kentland Dr. & Treyburn Cir.	Kentland Dr.	Stop
48	Kentland Dr. & Millbrook Cir.	Kentland Dr.	Stop
48	Kentland Dr. & Southport Rd.	Southport Rd.	Stop

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 657, 2005 was retitled GENERAL ORDINANCE NO. 23, 2006, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 23, 2006

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
41	Red Barn Cir. & Wood Hollow Dr.	Wood Hollow Dr.	Stop
41	Red Barn Ct. & Wood Hollow Dr.	Wood Hollow Dr.	Stop
41	Wildcat Run Ln. & Wood Hollow Dr.	Wood Hollow Dr.	Stop
41	Wild Horse Dr. & Wood Hollow Dr.	Wood Hollow Dr.	Stop
41	Wood Hollow Dr. & Wood Hollow Ln.	Wood Hollow Dr.	Stop

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 658, 2005 was retitled GENERAL ORDINANCE NO. 24, 2006, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 24, 2006

A GENERAL ORDINANCE amending the “Revised Code of the Consolidated City and County,” Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The “Revised Code of the Consolidated City and County,” specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
34	Arbor Trails Dr. & Birds Eye Dr.	Birds Eye Dr.	Stop
34	Arbor Trails Dr. & Pathfinder Ct.	Arbor Trails Dr.	Stop
34	Arbor Trails Dr. & Paw Paw Ct.	Arbor Trails Dr.	Stop
34	Arbor Trails Dr. & Troy Ave.	Troy Ave.	Stop
34	Birds Eye Dr. & Hemlock Way	Hemlock Way	Stop
34	Hemlock Way & Knobstone Ln.	Knobstone Ln.	Stop
34	Hemlock Way & Knobstone Way	Hemlock Way	Stop
34	Hemlock Way & Selago Dr.	Hemlock Way	Stop
34	Knobstone Ln. & Salamonie Dr.	Knobstone Ln.	Stop
34	Knobstone Ln. & Troy Ave.	Troy Ave.	Stop
34	Knobstone Way & Salamonie Dr.	Knobstone Way	Stop

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 659, 2005 was retitled GENERAL ORDINANCE NO. 25, 2006, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 25, 2006

A GENERAL ORDINANCE amending the “Revised Code of the Consolidated City and County,” Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

January 9, 2006

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
41	Easy Pl. & Easy Ln. & Moonstruck Pkwy	Moonstruck Pkwy	Stop
41	Easy Pl. & Lazy Ln.	Easy Pl.	Stop
41	Edgewood Ave. & Moonstruck Pkwy	Edgewood Ave.	Stop
41	Lazy Ln. & Lazy Way	Lazy Ln.	Stop
41	Lazy Way & Silver Moon Way	Silver Moon Way	Stop
41	Moonbeam Dr. & Moonstruck Pkwy	Moonstruck Pkwy	Stop
41	Moonstruck Pkwy & Silver Moon Ct. & Silver Moon Way	Moonstruck Pkwy	Stop

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

Proposal No. 660, 2005 was retitled GENERAL ORDINANCE NO. 26, 2006, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 26, 2006

A GENERAL ORDINANCE amending the "Revised Code of the Consolidated City and County," Sec. 441-416, Schedule of intersection controls.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The "Revised Code of the Consolidated City and County," specifically, Sec. 441-416, Schedule of intersection controls, be and the same is hereby amended by the addition of the following, to wit:

<u>BASE MAP</u>	<u>INTERSECTION</u>	<u>PREFERENTIAL</u>	<u>TYPE OF CONTROL</u>
41	Easy Ln. & Moonbeam Dr.	Moonbeam Dr.	Stop
41	Moonstruck Ct. & Moonstruck Pkwy & Sunset Ridge Pkwy	Sunset Ridge Pkwy	Stop

SECTION 2. This ordinance shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

PROPOSAL NO. 661, 2005. Councillor Boyd reported that the Rules and Public Policy Committee heard Proposal No. 661, 2005 on December 13, 2005. The proposal, sponsored by Councillor Sanders, amends the Code regarding certain expense reimbursement fees regarding applications for cable franchises. By an 8-0 vote, the Committee reported the proposal to the Council with the recommendation that it do pass. Councillor Boyd moved, seconded by

Councillor Sanders, for adoption. Proposal No. 661, 2005 was adopted on the following roll call vote; viz:

24 YEAS: Borst, Bowes, Boyd, Bradford, Cain, Cockrum, Conley, Day, Franklin, Gibson, Gray, Keller, Mahern, Mansfield, McWhirter, Nytes, Oliver, Pfisterer, Randolph, Salisbury, Sanders, Schneider, Speedy, Talley, Abdullallah

0 NAYS:

4 NOT VOTING: , Brown, Moriarty Adams, Plowman

1 ABSENT: Langsford

Proposal No. 661, 2005 was retitled GENERAL ORDINANCE NO. 27, 2006, and reads as follows:

CITY-COUNTY GENERAL ORDINANCE NO. 27, 2006

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code to amend certain expense reimbursement fees regarding applications for cable franchises, and to make various technical corrections.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Section 851-221 of the "Revised Code of the Consolidate City and County," regarding petitions for franchises, hereby is amended by the deletion of language that is stricken through and addition of the language that is underscored, to read as follows:

Sec. 851-221. Petition for franchise.

Any person or entity interested in obtaining a cable franchise, except a cable operator, may file a petition expressing such interest with the franchise administrator. The petition must contain or be accompanied by:

- (1) A description of the geographic area proposed to be served with sufficient particularity as to enable a reasonable determination of the boundaries of such area and the proposed location of the cable system's facilities;
- (2) A description of the type of service to be provided by the petitioner; and
- (3) An explanation of the reasons why the granting of a franchise for the area described would be in the best interests of the city and its citizens and would not adversely affect the provision of cable service by existing franchisees, and that the proposed facilities will not substantially and unreasonably interfere with current or planned uses of the public ways; ~~and~~.
- ~~(4) The filing fee specified in section 851-261.~~

SECTION 2. Section 851-261 of the "Revised Code of the Consolidated City and County," regarding the schedule of filing fees, hereby is REPEALED.

SECTION 3. Section 851-262 of the "Revised Code of the Consolidated City and County," regarding reimbursement of the city's expenses, hereby is amended by the deletion of language that is stricken through and addition of the language that is underscored, to read as follows:

Sec. 851-262. Reimbursement of city's ~~out-of-pocket~~ expenses.

(a) Pursuant to authority granted by Section 851-237 of the Code, the city may require the applicant to reimburse the city for its reasonable out-of-pocket expenses in considering the application for an initial franchise or an application for modification of an existing franchise pursuant to 47 U.S.C. Section 545, including but not limited to consultants' and attorneys' fees and any sum of money sufficient to reimburse the city for all other expenses incurred as a result of use of city resources, including but not limited to publication, in-house counsel, and the local franchising authority. A franchise agreement may provide that payments made by a franchisee hereunder are not a franchise fee or fall within one (1) or more of the exceptions in 47 U.S.C. Section 542(g)(2), and that no such payments may be passed through to subscribers in any form.

(b) The director of the cable communications agency shall submit a monthly report to the board and to the applicant detailing any expenses incurred by the city under subsection (a) whenever an application for a franchise is pending.

SECTION 4. The expressed or implied repeal or amendment by this ordinance of any other ordinance or part of any other ordinance does not affect any rights or liabilities accrued, penalties incurred, or proceedings begun prior to the effective date of this ordinance. Those rights, liabilities, and proceedings are continued, and penalties shall be imposed and enforced under the repealed or amended ordinance as if this ordinance had not been adopted.

SECTION 5. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 6. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

NEW BUSINESS

Councillor Cockrum said that a year-end report will be coming to each of the Councillors in the next few days and he would encourage all to review it to see what has happened in this last very active year.

ANNOUNCEMENTS AND ADJOURNMENT

The President said that the docketed agenda for this meeting of the Council having been completed, the Chair would entertain motions for adjournment.

Councillor Borst stated that he had been asked to offer the following motion for adjournment by:

- (1) All Councillors in memory of James Dungy; and
- (2) All Councillors in memory of Sergeant George Shields and Officer Richard Parnell; and
- (3) Councillor Day in memory of Marilyn Jo Prather-Wright; and
- (4) Councillor Pfisterer, Langsford, Brown, Gray, Randolph, and McWhirter in memory of Norman Johnson; and
- (5) Councillor Borst in memory of Dr. Thomas Krudy; and
- (6) Councillor Boyd in memory of James Chatman; and
- (7) Councillors Boyd and Gray in memory of Joseph Caldwell; and
- (8) Councillors Boyd, Abdullah and Randolph in memory of Lillian M. Davis; and
- (9) Councillor Talley in memory of L.G. Pettygrove; and
- (10) Councillor Randolph in memory of Thomas Henry Brown, Jr. and Jonathan D. "Big John" Tyson; and
- (11) Councillors Oliver and Gray in memory of Robert Hubble; and
- (12) Councillor Oliver in memory of Cora Hatcher Mays, Louise Bass Evans, Jerome Curtis Patton, Sr. and Elizabeth Harris Bell Williams; and
- (13) Councillor Pfisterer in memory of Miriam Neese Schuck, Phyllis Robison, Juanita Reed, Howard Robey, Dorothy L. Robinson, L. Lane Eaton, Donald Masten, Sophia Stanich, Theresa Gibson, Dom Marie Dragoo, Judy McEntire Gruber, John Sparks, Dorothy Jean Palmer, Janet S. Watts Kirch, Marilyn Irrgang, June Marie Jean Chandler and Lois Doughty; and
- (14) Councillor Gray in memory of James G. Harden.

Councillor Borst moved the adjournment of this meeting of the Indianapolis City-County Council in recognition of and respect for the life and contributions of James Dungy, Sergeant George Shields, Officer Richard Parnell, Marilyn Jo Prather-Wright, Norman Johnson, Dr. Thomas Krudy, James Chatman, Joseph Caldwell, Lillian M. Davis, L.G. Pettygrove, Thomas Henry Brown, Jr., Jonathan D. "Big John" Tyson, Robert Hubble, Cora Hatcher Mays, Louise Bass Evans, Jerome Curtis Patton, Sr., Elizabeth Harris Bell Williams, Miriam Neese Schuck, Phyllis Robison, Juanita Reed, Howard Robey, Dorothy L. Robinson, L. Lane Eaton, Donald Masten, Sophia Stanich, Theresa Gibson, Dom Marie Dragoo, Judy McEntire Gruber, John Sparks, Dorothy Jean Palmer, Janet S. Watts Kirch, Marilyn Irrgang, June Marie Jean Chandler, Lois Doughty, and James G. Harden. He respectfully asked the support of fellow Councillors. He further requested that the motion be made a part of the permanent records of this body and that a letter bearing the Council seal and the signature of the President be sent to the families advising of this action.

There being no further business, and upon motion duly made and seconded, the meeting adjourned at 9:04 p.m.

We hereby certify that the above and foregoing is a full, true and complete record of the proceedings of the regular concurrent meetings of the City-Council of Indianapolis-Marion County, Indiana, and Indianapolis Police, Fire and Solid Waste Collection Special Service District Councils on the 9th day of January, 2006.

In Witness Whereof, we have hereunto subscribed our signatures and caused the Seal of the City of Indianapolis to be affixed.

President

ATTEST:

Clerk of the Council

(SEAL)